TITLE 73
GENERAL CODE PROVISIONS

CHAPTER 6
APPLICATION OF FOREIGN LAWS

73-601. LEGISLATIVE INTENT. It shall be the public policy of this state to protect its citizens from the application of foreign laws when the application of a foreign law will result in the violation of a fundamental right guaranteed by the constitution of the United States or the constitution of the state of Idaho, including but not limited to due process, freedom of religion, speech, or the press, and any right of privacy or marriage embodied in the constitution of the state of Idaho.

[73-601, added 2026, ch. 183, sec. 1, p. 826.]

73-602. DEFINITIONS. As used in this chapter:

(1) "Court" means any court, board, tribunal, arbitration, administrative agency, or other adjudicative or enforcement authority of this state.

(2) "Foreign law" means any law, legal code, or system adopted by a jurisdiction outside of any state or territory of the United States, including but not limited to international organizations and tribunals, and applied by that jurisdiction's courts, administrative bodies, or other formal or informal tribunals. For the purposes of this chapter, "foreign law" shall not mean, nor shall it include, any laws of the Indian tribes in this state or the English common law.

(3) "Religious organization" means any church, seminary, synagogue, temple, mosque, religious order, or religious corporation, association, or society whose identity is distinctive in terms of common religious creed, beliefs, doctrines, practices, or rituals of any faith or denomination, including any organization qualifying as a church or religious organization under section 501(c)(3) or 501(d) of the Internal Revenue Code.

[73-602, added 2026, ch. 183, sec. 1, p. 826.]

73-603. USE OF FOREIGN LAWS -- UNENFORCEABILITY. Any court ruling or decision that violates the public policy of this state shall be void and unenforceable to the extent that the court bases its ruling or decision in the matter at issue, in whole or in part, on any foreign law that would not grant the parties affected by the ruling or decision similar fundamental liberties, rights, and privileges guaranteed under the constitution of the United States and the constitution of the state of Idaho, including but not limited to due process, freedom of religion, speech, or the press, and any right of privacy or marriage embodied in the constitution of the state of Idaho.

[73-603, added 2026, ch. 183, sec. 1, p. 827.]

73-604. CHOICE OF LAW. A contract or contractual provision that provides for the choice of foreign law to govern some or all of the disputes between the parties adjudicated by a court or by an arbitration panel arising from the contract mutually agreed on that violates the public policy of this state shall be void and unenforceable if the foreign law chosen includes or incorporates substantive or procedural law, as applied to the dispute at issue, that would not grant the parties similar fundamental liberties,

rights, and privileges guaranteed under the constitution of the United States and the constitution of the state of Idaho, including but not limited to due process, freedom of religion, speech, or the press, and any right of privacy or marriage embodied in the constitution of the state of Idaho.

[73-604, added 2026, ch. 183, sec. 1, p. 827.]

73-605. JURISDICTION. A contract or contractual provision that provides for jurisdiction for the purpose of granting the courts or arbitration panels in personam jurisdiction over the parties to adjudicate any disputes between the parties arising from the contract mutually agreed on shall violate the public policy of this state and be void and unenforceable if the jurisdiction or arbitration panel chosen includes or incorporates substantive or procedural foreign law, as applied to the dispute at issue, that would not guarantee the parties similar fundamental liberties, rights, and privileges guaranteed under the constitution of the United States and the constitution of the state of Idaho, including but not limited to due process, freedom of religion, speech, or the press, and any right of privacy or marriage embodied in the constitution of the state of Idaho.

[73-605, added 2026, ch. 183, sec. 1, p. 827.]

73-606. FORUM NON CONVENIENS. If a person, subject to personal jurisdiction in this state, seeks to maintain litigation, arbitration, agency, or similarly binding proceedings in this state and if the courts of this state find that granting a claim of forum non conveniens violates or would likely violate a fundamental right guaranteed under the constitution of the United States or the constitution of the state of Idaho of the nonclaimant in the foreign forum with respect to the matter in dispute, the claim shall be denied.

[73-606, added 2026, ch. 183, sec. 1, p. 827.]

73-607. APPLICABILITY. (1) This chapter shall not apply to a corporation, partnership, limited liability company, business association, or other legal entity to the extent that it contracts to subject itself to foreign law in a jurisdiction other than this state or the United States.

(2) This chapter shall not apply to a contract entered into prior to the effective date of this act.

(3) The provisions of this chapter shall not be construed to limit the right of any person to the free exercise of religion as guaranteed by the first amendment to the constitution of the United States and section 4, article I of the constitution of the state of Idaho. The provisions of this chapter shall not be construed to require or authorize any court to adjudicate or prohibit any religious organization from adjudicating ecclesiastical matters, including but not limited to the appointment, calling, discipline, dismissal, removal, or excommunication of a member, officer, official, priest, nun, monk, pastor, rabbi, imam, or other member of the clergy of the religious organization, or the determination or interpretation of the doctrine of the religious organization where adjudication by a court would violate the establishment or free exercise clause of the first amendment to the constitution of the United States and section 4, article I of the constitution of the state of Idaho.

[73-607, added 2026, ch. 183, sec. 1, p. 827.]

73-608. CONFLICT. This chapter shall not be construed to conflict with any federal treaty or other international agreement to which the United States is a party, to the extent that such treaty or international agreement is valid and preempts or is superior to state law on the matter at issue.

[73-608, added 2026, ch. 183, sec. 1, p. 828.]