

ARKANSAS SENATE

88th General Assembly - Regular Session, 2011

Amendment Form

**

Subtitle of Senate Bill No. 97

TO PROTECT RIGHTS AND PRIVILEGES GRANTED UNDER THE UNITED STATES
CONSTITUTION AND THE ARKANSAS CONSTITUTION.

Amendment No. 1 to Senate Bill No. 97

Amend Senate Bill No. 97 as originally introduced:

Page 1, delete lines 25 through 29 and substitute the following:

"The General Assembly finds that:

(1)(A) While fully recognizing that judgments and rulings issued by foreign courts and foreign judicial bodies may be recognized and enforced if those judgments and rulings do not conflict with the public policy of Arkansas, the General Assembly also recognizes that this recognition is given as a discretionary accommodation to that foreign nation and not afforded as a right.

(B) As a matter of public policy, the recognition and enforcement of a foreign judgment or ruling is limited to the extent that its enforcement would not directly conflict with the public policy of Arkansas;

(2)(A) The fundamental rights and liberties granted to Arkansas citizens and residents found in the Bill of Rights of the United States Constitution and other amendments and the Declaration of Rights, Arkansas Constitution, Article 2, are fundamental human rights that transcend jurisdiction.

(B) When determining whether to recognize or enforce a foreign judgment or ruling, it is in the best interest of Arkansas and the public policy of Arkansas to first determine whether the parties affected by such an enforcement or recognition have been afforded comparable protections, including without limitation due process and equal protection, by the foreign law or legal system upon which the ruling or judgment was based; and

(3) It is in the best interest and public policy of the state of Arkansas and its citizens to ensure that before the state of Arkansas recognizes and uses its police power to



enforce a foreign decree, judgment or ruling, that it is determined the law or legal system upon which the decree, judgment, or ruling is based provides the same or similar fundamental liberties, rights, and privileges afforded parties in this state seeking or defending the same or similar ruling, decree, or judgment."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Bledsoe

MBM/BGS - 01/31/11 11:23

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Secretary