

By: Zedler, Flynn

H.B. No. 1240

Substitute the following for H.B. No. 1240:

By: Darby

C.S.H.B. No. 1240

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the application of foreign and international laws and
3 doctrines in this state and requiring a court of this state to
4 uphold and apply certain laws, including the doctrine requiring
5 courts to refrain from involvement in religious doctrinal
6 interpretation or application.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8 SECTION 1. Title 6, Civil Practice and Remedies Code, is
9 amended by adding Chapter 148 to read as follows:

10 CHAPTER 148. APPLICATION OF FOREIGN AND INTERNATIONAL LAWS AND
11 DOCTRINES; APPLICATION OF STATE AND FEDERAL LAW

12 Sec. 148.001. DEFINITION. In this chapter, "foreign or
13 international law or doctrine" means a law, rule, legal code, or
14 principle of a jurisdiction outside the legal traditions of the
15 states and territories of the United States, including
16 international laws, that do not have a binding effect on this state
17 or the United States.

18 Sec. 148.002. DECISION BASED ON FOREIGN OR INTERNATIONAL
19 LAW OR DOCTRINE; APPLICATION OF STATE AND FEDERAL LAW. (a) A
20 court, arbitrator, or administrative adjudicator may not base a
21 ruling or decision on:

- 22 (1) a foreign or international law or doctrine; or
23 (2) a prior ruling or decision that was based on a
24 foreign or international law or doctrine.

1 (b) Subsection (a) does not prohibit a court, arbitrator, or
2 administrative adjudicator from recognizing a document that:

3 (1) was issued or certified by a governmental entity
4 within the territorial jurisdiction of the United States; or

5 (2) was issued or certified by a foreign court or
6 governmental entity for the purpose of:

7 (A) determining a person's identification;

8 (B) enforcing a business contract or arrangement
9 that lists this state as a venue for disposition; or

10 (C) providing expository evidence for the
11 purpose of recognizing the adoption of a child.

12 (c) A court shall uphold and apply the Constitution of the
13 United States, the constitution of this state, federal laws, and
14 the laws of this state, including the doctrine that is derived from
15 the First Amendment to the United States Constitution and known as
16 the church autonomy doctrine, which in part requires courts to
17 refrain from involvement in religious doctrinal interpretation or
18 application.

19 SECTION 2. Section 148.002, Civil Practice and Remedies
20 Code, as added by this Act, applies only to a ruling or decision
21 that becomes final on or after the effective date of this Act. A
22 ruling or decision that becomes final before the effective date of
23 this Act and any appeal of that ruling or decision are governed by
24 the law in effect immediately before the effective date of this Act,
25 and that law is continued in effect for that purpose.

26 SECTION 3. This Act takes effect September 1, 2011.