

**First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 17-0068.01 Jane Ritter x4342

**SENATE BILL 17-277**

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**SENATE SPONSORSHIP**

**Marble**, Cooke, Neville T.

**HOUSE SPONSORSHIP**

**Leonard**, Humphrey

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**Senate Committees**  
Judiciary

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE APPLICATION OF FOREIGN LAWS IN COLORADO**  
102      **COURTS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

The bill addresses the use of foreign laws, legal codes, or systems (foreign laws) by Colorado courts, arbitrations, tribunals, or administrative agencies (courts) in making decisions or rulings. Any court decision or ruling based on such foreign laws violates the public policy of Colorado and is void and unenforceable if the application of the foreign law does not grant the affected parties the same fundamental

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

liberties, rights, and privileges granted under the constitutions of Colorado and the United States.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) The state of Colorado has a compelling state interest in  
5 protecting its citizens and lawful residents from the application of foreign  
6 laws that would result in the violation of any right guaranteed by the  
7 Colorado and United States constitutions, including the rights of due  
8 process, freedom of religion, speech, press, and the rights to privacy,  
9 property, and to bear arms in the defense of self or others;

10 (b) There have been more than fifty cases within the United States  
11 that have been adjudicated using laws, codes, or legal systems other than  
12 those prescribed in federal and Colorado laws and constitutions; and

13 (c) The individuals in each case were under the jurisdiction of the  
14 United States constitution by citizenship or by physical location.

15 (2) Now, therefore, although the Colorado general assembly fully  
16 recognizes the right to contract freely under the laws of this state, it also  
17 recognizes that this right may be reasonably and rationally circumscribed  
18 pursuant to the state's interest in protecting and promoting rights and  
19 privileges guaranteed under the constitutions of Colorado and the United  
20 States.

21 **SECTION 2.** In Colorado Revised Statutes, **add** 13-1-114.5 as  
22 follows:

23 **13-1-114.5. Short title - application of foreign laws - definition.**

24 (1) THE SHORT TITLE OF THIS SECTION IS THE "AMERICAN LAWS FOR  
25 AMERICAN COURTS ACT".

1           (2) ANY COURT, ARBITRATION, TRIBUNAL, OR ADMINISTRATIVE  
2 AGENCY RULING OR DECISION VIOLATES THE PUBLIC POLICY OF THIS STATE  
3 AND IS VOID AND UNENFORCEABLE IF THE COURT, ARBITRATION,  
4 TRIBUNAL, OR ADMINISTRATIVE AGENCY BASES ITS RULINGS OR DECISIONS  
5 IN THE MATTER AT ISSUE IN WHOLE OR IN PART ON ANY LAW, LEGAL CODE,  
6 OR SYSTEM THAT WOULD NOT GRANT THE PARTIES AFFECTED BY THE  
7 RULING OR DECISION THE SAME FUNDAMENTAL LIBERTIES, RIGHTS, AND  
8 PRIVILEGES GRANTED UNDER THE CONSTITUTIONS OF COLORADO AND THE  
9 UNITED STATES.

10           (3) A CONTRACT OR CONTRACTUAL PROVISION, IF CAPABLE OF  
11 SEGREGATION, THAT PROVIDES FOR THE CHOICE OF A LAW, LEGAL CODE,  
12 OR SYSTEM TO GOVERN SOME OR ALL OF THE DISPUTES BETWEEN THE  
13 PARTIES ADJUDICATED BY A COURT OF LAW OR BY AN ARBITRATION PANEL  
14 ARISING FROM THE CONTRACT AND MUTUALLY AGREED UPON VIOLATES  
15 THE PUBLIC POLICY OF THIS STATE AND IS VOID AND UNENFORCEABLE IF  
16 THE LAW, LEGAL CODE, OR SYSTEM CHOSEN INCLUDES OR INCORPORATES  
17 ANY SUBSTANTIVE OR PROCEDURAL LAW, AS APPLIED TO THE DISPUTE AT  
18 ISSUE, THAT WOULD NOT GRANT THE PARTIES AFFECTED THE SAME  
19 FUNDAMENTAL LIBERTIES, RIGHTS, AND PRIVILEGES GRANTED UNDER THE  
20 CONSTITUTIONS OF COLORADO AND THE UNITED STATES.

21           (4) (a) A CONTRACT OR CONTRACTUAL PROVISION, IF CAPABLE OF  
22 SEGREGATION, THAT PROVIDES FOR A JURISDICTION FOR PURPOSES OF  
23 GRANTING THE COURTS OR ARBITRATION PANELS IN PERSONAM  
24 JURISDICTION OVER THE PARTIES TO ADJUDICATE ANY DISPUTES BETWEEN  
25 PARTIES ARISING FROM THE MUTUALLY AGREED-UPON CONTRACT  
26 VIOLATES THE PUBLIC POLICY OF THIS STATE AND IS VOID AND  
27 UNENFORCEABLE IF THE JURISDICTION CHOSEN INCLUDES ANY LAW, LEGAL

1 CODE, OR SYSTEM, AS APPLIED TO THE DISPUTE AT ISSUE, THAT WOULD  
2 NOT GRANT THE PARTIES AFFECTED THE SAME FUNDAMENTAL LIBERTIES,  
3 RIGHTS, AND PRIVILEGES GRANTED UNDER THE CONSTITUTIONS OF  
4 COLORADO AND THE UNITED STATES.

5 (b) IF A RESIDENT OF THIS STATE, SUBJECT TO PERSONAL  
6 JURISDICTION IN THIS STATE, SEEKS TO MAINTAIN LITIGATION,  
7 ARBITRATION, AGENCY, OR SIMILARLY BINDING PROCEEDINGS IN THIS  
8 STATE, AND IF THE COURTS OF THIS STATE FIND THAT GRANTING A CLAIM  
9 OF FORUM NON CONVENIENS OR A RELATED CLAIM VIOLATES, OR WOULD  
10 BE LIKELY TO VIOLATE, THE FUNDAMENTAL LIBERTIES, RIGHTS, AND  
11 PRIVILEGES GRANTED UNDER THE CONSTITUTIONS OF COLORADO AND THE  
12 UNITED STATES OF THE NONCLAIMANT IN THE FOREIGN FORUM WITH  
13 RESPECT TO THE MATTER IN DISPUTE, THEN IT IS THE PUBLIC POLICY OF  
14 THIS STATE TO DENY THE CLAIM.

15 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
16 REQUIRES, "LAW, LEGAL CODE, OR SYSTEM" MEANS ANY LAW, LEGAL  
17 CODE, OR SYSTEM OF A JURISDICTION OUTSIDE OF ANY STATE OR  
18 TERRITORY OF THE UNITED STATES, INCLUDING BUT NOT LIMITED TO  
19 INTERNATIONAL ORGANIZATIONS AND TRIBUNALS APPLIED BY THAT  
20 JURISDICTION'S COURTS, ADMINISTRATIVE BODIES, OR OTHER MORE  
21 FORMAL OR INFORMAL TRIBUNALS.

22 **SECTION 3. Effective date.** This act takes effect January 1,  
23 2018.

24 **SECTION 4. Act subject to petition - effective date.** This act  
25 takes effect at 12:01 a.m. on the day following the expiration of the  
26 ninety-day period after final adjournment of the general assembly (August  
27 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the  
2 state constitution against this act or an item, section, or part of this act  
3 within such period, then the act, item, section, or part will not take effect  
4 unless approved by the people at the general election to be held in  
5 November 2018 and, in such case, will take effect on the date of the  
6 official declaration of the vote thereon by the governor.