

Senate Bill No. 199

Protects Montana Citizens from Foreign Law

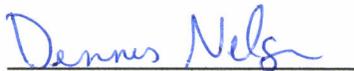
Montana Law is defined and expressed by the constitution and statues but interpretation on how it is applied is left up to the courts. Since how and when foreign law can be used is expressly not stated within the Constitution and Statutes judges have the leeway to discern if foreign law can be applied in some cases. Judges in Montana may have never used that leeway "yet", but that is why this bill needs to be passed as we cannot wait until some judge decides he or she can rule that a foreign set of laws is appropriate in a custody case or a marital contract or any other matter.

This bill is neutral and therefore it cannot be accused of discriminating against any religion or protected class as it seeks to preserve the constitutional rights of all Montana Citizens.

This bill is not vague as it provides specific guidance for judges and it protects Montana citizens from the application of foreign law that would result in the violation of a fundamental constitutional right

This bill does not prohibit the consideration of foreign law as its use is only considered if and when such application of foreign law would deprive persons before a Montana court the rights to which they are entitled to under the state or federal Constitution. In such a case, American law would take precedence over foreign law.

Therefore we support passage of SB 199



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