

HOUSE BILL 3300

By McCormick

AN ACT to amend Tennessee Code Annotated, Title 16;  
Title 19; Title 20; Title 21; Title 25; Title 26; Title 29  
and Title 45, relative to foreign judgments.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 26, Chapter 6, Part 1, is amended by adding the following language as a new section:

§ 26-6-108.

(a) A foreign judgment is not conclusive if:

(1) The judgment was rendered under a system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law;

(2) The foreign court did not have personal jurisdiction over the defendant; or

(3) The foreign court did not have jurisdiction over the subject matter.

(b) A foreign defamation judgment need not be recognized in this state unless the court sitting in this state before which the matter is brought first determines that the defamation law applied in the foreign court's adjudication provided at least as much protection for freedom of speech and press in that case as would be provided by the United States Constitution and this state's constitution.

SECTION 2. Tennessee Code Annotated, Section 26-6-104, is amended by adding the following language as a new, appropriately designated subsection:

( ) For the purpose of rendering declaratory relief with respect to a person's liability for a foreign defamation judgment and determining whether the foreign defamation judgment should be deemed non-recognizable under § 26-6-108, this state's courts have personal jurisdiction over any person who obtains a foreign defamation judgment against any person who:

- (1) Is a resident of this state;
- (2) Is a person or entity amenable to the jurisdiction of this state;
- (3) Has assets in this state; or
- (4) May have to take action in this state to comply with the foreign

defamation judgment.

SECTION 3. This act shall take effect on July 1, 2010, the public welfare requiring it, and shall apply to foreign judgments filed for enforcement on or after July 1, 2010.