

SENATE BILL 3740

By Bunch

AN ACT to protect rights and privileges granted under the  
United States or Tennessee Constitution.

WHEREAS, while the general assembly fully recognizes the right to contract freely under the laws of this state, it also recognizes that this right may be reasonably and rationally circumscribed pursuant to the state's interest to protect and promote rights and privileges granted under the United States or Tennessee Constitutions; now, therefore,

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

SECTION 1. As used in this act, "law, legal code, or legal system" means a law, legal code, or legal system used or applied in any jurisdiction outside of Tennessee, including any foreign state, jurisdiction, country or territory of the United States.

SECTION 2. Notwithstanding any law to the contrary, and subject to provisions of superseding federal treaties, any otherwise enforceable contract which incorporates any substantive or procedural law, legal code or legal system of another state, foreign jurisdiction or foreign country that would violate rights and privileges granted under the United States or Tennessee Constitution is declared to be against public policy of this state and is unenforceable in this state.

SECTION 3. Any court, arbitration panel, tribunal, or administrative agency ruling or decision that is based in whole or in part on any substantive or procedural law, legal code or legal system of another state, foreign jurisdiction or foreign country that would violate rights and privileges granted under the United States or Tennessee Constitution is declared to be against the public policy of this and is unenforceable in this state.

SECTION 4. Without exception, any court order or arbitration panel, tribunal or administrative agency decision that renders an order, judgment or decision on the appropriate

custody arrangements for a minor child without rendering such order, judgment or decision based primarily upon the best interests of the child, as applied and interpreted in accordance with the laws of this state, is presumptively and conclusively a violation of the public policy of this state and is void and unenforceable.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.