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SENATE, No. 1643

STATE OF NEW JERSEY
213th LEGISLATURE

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SYNOPSIS

Permits NJ courts to not enforce defamation judgments from foreign countries under certain circumstances.

CURRENT VERSION OF TEXT

As reported by the Senate Judiciary Committee on May 18, 2009, with amendments.



1 AN ACT concerning defamation judgments from foreign countries
2 and amending P.L.1997, c.96.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 5 of P.L.1997, c.96 (C.2A:49A-20) is amended to
8 read as follows:

9 5. a. A foreign country money-judgment is not conclusive if:

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

13 (2) the foreign country court did not have personal jurisdiction
14 over the judgment debtor; or

15 (3) the foreign country court did not have jurisdiction over the
16 subject matter.

17 b. A foreign country money-judgment need not be recognized
18 if:

19 (1) the judgment debtor in the proceedings in the foreign
20 country court did not receive notice of the proceedings in sufficient
21 time to enable the judgment debtor to defend;

22 (2) the judgment was obtained by fraud;

23 (3) the cause of action on which the foreign judgment is based is
24 contrary to the public policy of this State;

25 (4) the judgment conflicts with a prior final and conclusive
26 judgment;

27 (5) the proceedings in the foreign country court were contrary to
28 an agreement between the parties under which the dispute in
29 question was to be settled, other than by proceedings in that court;

30 **[or]**

31 (6) in the case of jurisdiction based only on personal service, the
32 foreign country court was a seriously inconvenient forum for the
33 trial of the action ; or

34 (7) the cause of action resulted in a defamation judgment
35 obtained in a foreign country, unless ¹, prior to the collection of the
36 judgment, ¹ a court in this State first determines that the defamation
37 law applied in the foreign country provides at least as much
38 protection for freedom of speech and press as is provided by the
39 Constitutions of the United States and New Jersey.

40 (cf: P.L.1997,c.96,s.5.)

41

42 2. This act shall take effect immediately.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SJU committee amendments adopted May 18, 2009.