

ASSEMBLY, No. 3770

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblywoman JEAN STANFIELD

District 8 (Atlantic, Burlington and Camden)

Assemblywoman BETTYLOU DECROCE

District 26 (Essex, Morris and Passaic)

SYNOPSIS

Prohibits enforcement of foreign law if enforcement would violate constitutional rights or conflict with federal or State law.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/8/2021)

1 AN ACT concerning the application of foreign laws and
2 supplementing Title 2A of the New Jersey Statutes.

3
4 BE IT ENACTED by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. As used in this act, “foreign law” means any law, rule, or
8 legal code or system other than the Constitution, laws and ratified
9 treaties of the United States and the territories of the United States,
10 or the Constitution and laws of this State.

11
12 2. a. This act shall apply only to actual violations of the
13 constitutional rights of a person or actual conflict with the laws of
14 this State caused by the application of the foreign law.

15 b. This act shall not apply to a corporation, partnership, or
16 other form of business association.

17
18 3. A court, arbitrator, administrative agency, or other
19 adjudicative, mediation, or enforcement authority shall not enforce
20 a foreign law if doing so would violate a right guaranteed by the
21 Constitution of this State or of the United States or conflict with the
22 laws of the United States or of this State.

23
24 4. This act shall take effect immediately.

25
26
27 STATEMENT

28
29 This bill would prohibit the enforcement of a foreign law if
30 doing so would violate a right guaranteed by the Constitution of this
31 State or of the United States or conflict with federal or State law.
32 The bill defines “foreign law” as any law, rule, or legal code or
33 system other than the Constitution, laws and ratified treaties of the
34 United States and the territories of the United States, or the
35 Constitution and laws of this State.

36 The bill provides that it would apply only to actual violations of
37 the constitutional rights of a person or actual conflict with the laws
38 of this State caused by the application of the foreign law. The bill
39 would not apply to a corporation, partnership, or other form of
40 business association.

41 This bill is also intended to codify the Appellate Division
42 decision in S.D. v. M.J.R., 415 N.J. Super. 417 (App. Div. 2010),
43 which overturned a family court decision in a domestic violence
44 case. The family court judge had refused to issue a restraining
45 order to a woman who alleged that her husband had assaulted and
46 raped her, ruling that the husband did not have the requisite
47 criminal intent because of the precepts of his religion. The
48 Appellate Division, in overturning the decision and remanding the

1 case back to family court for entry of the restraining order, stated:
2 “As the judge recognized, the case thus presents a conflict between
3 the criminal law and religious precepts. In resolving this conflict,
4 the judge determined to except defendant from the operation of the
5 State's statutes as the result of his religious beliefs. In doing so, the
6 judge was mistaken.”