

PUBLIC CHAPTER NO. 900

HOUSE BILL NO. 3300

By Representatives McCormick, Dunn, Bell, Shipley, Lundberg, Swafford, Weaver, McManus, Coley, Campfield, White, Lynn, Hensley, Fincher, Lollar, Towns, Mike Turner

Substituted for: Senate Bill No. 3589

By Senators Ketron, Gresham, Bunch, Southerland, Beavers, Johnson, Burks

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:

Section 26-6-108.

(a) For the purposes of this section only, a "foreign defamation judgment" shall mean any judgment for a cause of action equivalent or fundamentally similar to an action for libel or slander that is rendered by a court or tribunal outside the United States or its territories or possessions. This section shall not apply to any judgment for defamation, slander or libel rendered by a federal court or a court or tribunal in this or any other state of the United States, its territories or possessions.

(b) In addition to any other defenses that may exist, no foreign defamation judgment shall be authenticated, or execution issued upon, if:

(1) It is determined that the judgment was rendered by a judicial system that does not provide impartial tribunals or procedures substantially compatible with the requirements of due process of law applicable to Tennessee courts;

(2) The court or tribunal issuing the foreign defamation judgment did not have personal jurisdiction over the defendant in accordance with the principles applicable under Tennessee law; or

(3) The court or tribunal issuing the foreign defamation judgment did not have subject matter jurisdiction over the action.

(c) A foreign defamation judgment shall not be authenticated by any court of this state until it is established by a preponderance of the evidence that the defamation, libel or slander law applied in the foreign

defamation court's jurisdiction provides the same or higher protection for freedom of speech and press as would be provided under both the United States and Tennessee Constitutions. If it is determined that the law in the foreign defamation judgment's jurisdiction provides such same or greater protection, then the court may proceed to consider if the judgment may be authenticated as a foreign judgment. If it is determined that the law in the foreign defamation judgment's jurisdiction does not provide such same or greater protection, or if no finding is made on this point, then the court may not authenticate that foreign defamation judgment and the same shall be void until such time as the court may make or reverse its findings.

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.

PASSED: April 22, 2010


KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 10th day of May 2010



PHIL BREDESEN, GOVERNOR