

SENATE BILL No. 409

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-15-6.

Synopsis: Foreign defamation judgments. Provides that an Indiana court is not required to recognize a judgment in a defamation action rendered in a jurisdiction located outside the United States unless the Indiana court before which the matter is brought first determines that the law applied in the defamation action in the foreign jurisdiction provided at least as much protection for freedom of speech and freedom of press as would be provided by the Constitution of the United States and the Constitution of the State of Indiana if the defamation action had been brought in Indiana.

Effective: July 1, 2010.

Stutzman

January 14, 2010, read first time and referred to Committee on Judiciary.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

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SENATE BILL No. 409



A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-15-6 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2010]:

4 **Chapter 6. Foreign Defamation Judgments**

5 **Sec. 1. This chapter applies to a judgment in a defamation**
6 **action rendered in a jurisdiction located outside the United States**
7 **regardless of the date on which the judgment is rendered.**

8 **Sec. 2. An Indiana court is not required to recognize a judgment**
9 **in a defamation action rendered in a jurisdiction located outside**
10 **the United States unless the Indiana court before which the matter**
11 **is brought first determines that the law applied in the defamation**
12 **action in the foreign jurisdiction provided at least as much**
13 **protection for freedom of speech and freedom of press as would be**
14 **provided by the:**

- 15 (1) **Constitution of the United States; and**
- 16 (2) **Constitution of the State of Indiana;**

17 **if the defamation action had been brought in Indiana.**



1 **Sec. 3. To determine whether a foreign defamation judgment**
2 **may be recognized in Indiana under section 2 of this chapter and**
3 **for purposes of providing declaratory relief with respect to a**
4 **person's liability for a foreign defamation judgment, an Indiana**
5 **court has personal jurisdiction over any person who obtains a**
6 **judgment in a defamation action brought outside the United States**
7 **against any person who:**
8 **(1) is a resident of Indiana;**
9 **(2) is a person amenable to the jurisdiction of this state;**
10 **(3) has assets in Indiana; or**
11 **(4) may have to take action in Indiana to comply with the**
12 **defamation judgment.**

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