

<p>S 6687-C SKELOS Lancman ON FILE: 03/26/08 Civil Practice Law and Rules TITLE....Relates to personal jurisdiction and enforceability of certain foreign judgments in cases involving defamation 01/09/08 REFERRED TO CODES 01/28/08 AMEND AND RECOMMIT TO CODES 01/28/08 PRINT NUMBER 6687A 02/12/08 1ST REPORT CAL.323 02/13/08 AMENDED 6687B 02/13/08 2ND REPORT CAL. 02/25/08 ADVANCED TO THIRD READING 02/27/08 PASSED SENATE 02/27/08 DELIVERED TO ASSEMBLY 02/27/08 referred to codes 03/17/08 substituted for a9652a 03/17/08 ordered to third reading cal.776 03/26/08 RECALLED FROM ASSEMBLY 03/26/08 substitution reconsidered 03/26/08 recommitted to codes 03/26/08 returned to senate 03/26/08 VOTE RECONSIDERED - RESTORED TO THIRD READING 03/26/08 AMENDED ON THIRD READING 6687C 03/31/08 REPASSED SENATE 03/31/08 RETURNED TO ASSEMBLY 03/31/08 referred to codes 03/31/08 substituted for a9652b 03/31/08 ordered to third reading cal.776 03/31/08 passed assembly 03/31/08 returned to senate 04/18/08 DELIVERED TO GOVERNOR 04/28/08 APPROVAL MEMO.5 04/28/08 SIGNED CHAP.66</p>	<p>Same as A 9652-B</p>	<p>A9652-B Lancman Civil Practice Law and Rules TITLE....Relates to personal jurisdiction and enforceability of certain foreign judgments in cases involving defamation 01/09/08 referred to judiciary 02/05/08 amend and recommit to judiciary 02/05/08 print number 9652a 02/12/08 reported referred to codes 03/11/08 reported 03/13/08 advanced to third reading cal.776 03/17/08 substituted by s6687b S06687 SKELOS AMEND=C 01/09/08 REFERRED TO CODES 01/28/08 AMEND AND RECOMMIT TO CODES 01/28/08 PRINT NUMBER 6687A 02/12/08 1ST REPORT CAL.323 02/13/08 AMENDED 6687B 02/13/08 2ND REPORT CAL. 02/25/08 ADVANCED TO THIRD READING 02/27/08 PASSED SENATE 02/27/08 DELIVERED TO ASSEMBLY 02/27/08 referred to codes 03/17/08 substituted for a9652a 03/17/08 ordered to third reading cal.776 03/26/08 RECALLED FROM ASSEMBLY 03/26/08 substitution reconsidered 03/26/08 recommitted to codes 03/26/08 returned to senate 03/26/08 VOTE RECONSIDERED - RESTORED TO THIRD READING 03/26/08 AMENDED ON THIRD READING 6687C 03/31/08 REPASSED SENATE 03/31/08 RETURNED TO ASSEMBLY 03/31/08 referred to codes 03/31/08 substituted for a9652b 03/31/08 ordered to third reading cal.776 03/31/08 passed assembly 03/31/08 returned to senate 04/18/08 DELIVERED TO GOVERNOR 04/28/08 APPROVAL MEMO.5 04/28/08 SIGNED CHAP.66 03/26/08 substitution reconsidered 03/26/08 restored to third reading 03/26/08 amended on third reading 9652b 03/31/08 substituted by s6687c</p>	<p>Same as S 6687-C SKELOS</p>
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SKELOS, GOLDEN, VOLKER, BONACIC, FLANAGAN, FUSCHILLO, GRIFFO, HANNON,
LARKIN, LEIBELL, LITTLE, MALTESE, MARCELLINO, MAZIARZ, MORAHAN, PADAVAN,
RATH, ROBACH, TRUNZO, WINNER, YOUNG

Amd SS5304 & 302, CPLR

Relates to personal jurisdiction and enforceability of certain foreign judgments in cases involving
defamation.

EFF. DATE 04/28/2008

LAWS OF NEW YORK, 2008

CHAPTER 66

AN ACT to amend the civil practice law and rules, in relation to
enforceability of certain foreign judgments

Became a law April 28, 2008, with the approval of the Governor.

Passed by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "libel terrorism protection act".

§ 2. Section 5304 of the civil practice law and rules, as added by chapter 981 of the laws of 1970, is amended to read as follows:

§ 5304. Grounds for non-recognition. (a) No recognition. A foreign country judgment is not conclusive if:

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

2. the foreign court did not have personal jurisdiction over the defendant.

(b) Other grounds for non-recognition. A foreign country judgment need not be recognized if:

1. the foreign court did not have jurisdiction over the subject matter;

2. the defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable him to defend;

3. the judgment was obtained by fraud;

4. the cause of action on which the judgment is based is repugnant to the public policy of this state;

5. the judgment conflicts with another final and conclusive judgment;

6. the proceeding in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be settled otherwise than by proceedings in that court; ~~or~~

7. in the case of jurisdiction based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action~~[-]~~; ~~or~~

8. the cause of action resulted in a defamation judgment obtained in a jurisdiction outside the United States, unless the court before which the matter is brought sitting in this state first determines that the defamation law applied in the foreign court's adjudication provided at least as much protection for freedom of speech and press in that case as would be provided by both the United States and New York constitutions.

§ 3. Section 302 of the civil practice law and rules is amended by adding a new subdivision (d) to read as follows:

(d) Foreign defamation judgment. The courts of this state shall have personal jurisdiction over any person who obtains a judgment in a defamation proceeding outside the United States against any person who is a resident of New York or is a person or entity amenable to jurisdiction

EXPLANATION--Matter in ***italics*** is new; matter in brackets ~~[-]~~ is old law to be omitted.

in New York who has assets in New York or may have to take actions in New York to comply with the judgment, for the purposes of rendering declaratory relief with respect to that person's liability for the judgment, and/or for the purpose of determining whether said judgment should be deemed non-recognizable pursuant to section fifty-three hundred four of this chapter, to the fullest extent permitted by the United States constitution, provided:

1. the publication at issue was published in New York, and
2. that resident or person amenable to jurisdiction in New York (i) has assets in New York which might be used to satisfy the foreign defamation judgment, or (ii) may have to take actions in New York to comply with the foreign defamation judgment. The provisions of this subdivision shall apply to persons who obtained judgments in defamation proceedings outside the United States prior to and/or after the effective date of this subdivision.

§ 4. This act shall take effect immediately.

The Legislature of the STATE OF NEW YORK **ss:**

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

JOSEPH L. BRUNO
Temporary President of the Senate

SHELDON SILVER
Speaker of the Assembly
