MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Watson To: Judiciary B

HOUSE BILL NO. 596

AN ACT TO CREATE THE "FOREIGN FRAUDULENT JUDGMENT PROTECTION ACT"; TO PROVIDE THAT A COURT MAY CONSIDER THE ISSUE OF DUE PROCESS AND FRAUD WHEN ENFORCING FOREIGN JUDGMENTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This act shall be known and may be cited as "The Foreign Fraudulent Judgment Protection Act."

SECTION 2. Notwithstanding any other provision of law to the contrary, when a foreign judgment is before any court in this state and the issue of due process is raised, such court shall consider the merits of the issue of due process before enforcing the foreign judgment. If the court finds merit on the issue of due process, any matters related to such issue shall be resolved in a court of competent jurisdiction before the foreign judgment is enforced by a court in this state. A protective order shall be issued by such court prohibiting the foreign judgment from being enforced in this state.

SECTION 3. Notwithstanding any other provision of law to the contrary, when a foreign judgment is before any court in this

state and the issue of fraud is raised, such court shall consider the merits of the issue of fraud before enforcing the foreign judgment. If the court finds merit on the issue of fraud, any matters related to such issue shall be resolved in a court of competent jurisdiction before the foreign judgment is enforced by a court in this state. A protective order shall be issued by such court prohibiting the foreign judgment from being enforced in this state.

SECTION 4. This act shall take effect and be in force from and after July 1, 2021.