

Approved: May 22, 2012  
(Date)

## MINUTES OF THE SENATE JUDICIARY COMMITTEE

The Chairman called the meeting to order at 12:00 p.m. on February 3, 2012, in Room 159-S of the Capitol.

All members were present, except Senators King, Vratil, Donovan and Umbarger who were excused.

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes  
Katherine McBride, Office of the Revisor of Statutes  
Bob Allison-Gallimore, Kansas Legislative Research Department  
Lauren Douglass, Kansas Legislative Research Department  
Theresa Kiernan, Committee Assistant

Conferees appearing before the Committee:

Representative Peggy Mast  
Steve Gruber  
Krista Morgan

The Chairman re-opened the hearings on **HB 2087—Concerning the protection of rights granted under the constitution**.

Steve Gruber testified in support of **HB 2087**. He stated it was his goal to ensure that our legal and economic environment remain known and knowable. (Attachment 1).

Krista Morgan testified in support of **HB 2087**. She stated there were courts in other states which have deferred to, and used, Shariah law in cases involving divorce, child custody and contract issues. (Attachment 2).

The Chairman closed the hearings on **HB 2087** and asked for Committee questions and discussion.

In response to a question raised by Senator Schodorf relating to persons or groups taking the law into their own hands, Represented Mast stated there had been instances of female mutilation, but she was unsure if any instances had occurred in Kansas.

Rep. Mast also stated the bill provides that U.S. and Kansas law would be the governing law and would provide protection to a person regardless of where the person was born or the person's religious beliefs.

In response to a question raised by Senator Schodorf, Mr. Gruber stated the bill is not limited to Shariah law.

## CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 12:00 P.M. on February 3, 2012, in Room 159-S of the Capitol.

In response to a question raised by Senator Lynn concerning use of foreign law, Mr. Graber stated such situations generally involve choice of law issues in contracts under which the parties have agreed to which country's (or state's) law govern.

In response to a question raised by Senator Lynn, Mr. Graber stated the bill would not nullify the ability for persons to make agreements concerning choice of law as long as the law did not violate public policy of the United States or Kansas.

In response to a question raised by Senator Kelley, Mr. Graber stated that Kansas divorce law would apply in a divorce action filed in Kansas even though the couple had married in a foreign country pursuant to Shariah law.

Senator Kelley expressed concern for unintended consequences that may result if the bill is enacted. She wondered if the bill would prohibit use of foreign law in instances under which foreign law should govern.

Mr. Graber stated that Cannon law and Jewish law were not affected by the bill, nor would any foreign law which does not violate a law of the United States or Kansas.

The next meeting is scheduled for February 6, 2012.

The meeting was adjourned at 1:00 P.M.