

HB0193/538276/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 193
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “Recognition, Enforceability,” and substitute “Enforceability”; in line 6, after “judgment;” insert “prohibiting recognition of certain foreign judgments;”; in line 9, after “determination;” insert “authorizing a court to award costs and reasonable attorney’s fees to a party opposing recognition or enforcement of a certain foreign judgment;”; strike beginning with “providing” in line 11 down through “Act;” in line 12; in line 12, strike “recognition and”; in lines 13 and 14, in each instance, strike “defamation”; in line 17, strike “and 10-704(c)”; and after line 19, insert:

“BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 10-704

Annotated Code of Maryland

(2006 Replacement Volume and 2009 Supplement)”.

AMENDMENT NO. 2

On page 2, in line 15, strike “MAY” and substitute “SHOULD”.

On page 3, after line 15, insert:

“(A) IN THIS SECTION, “DEFAMATION” INCLUDES INVASION OF PRIVACY BY FALSE FACTS.

[(a)](B) A foreign judgment is not conclusive if:

(Over)

(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;

(3) The foreign court did not have jurisdiction over the subject matter;
or

(4) The judgment was obtained by fraud.

[(b)(C)] A foreign judgment [need] MAY not be recognized if:

(1) The defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable him to defend;

(2) The cause of action on which the judgment is based is repugnant to the public policy of the State;

(3) The judgment conflicts with another final and conclusive judgment;

(4) The proceeding in the foreign court was contrary to an agreement between the parties under which the dispute was to be settled out of court; [or]

(5) In the case of jurisdiction based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action[.];”;

strike lines 13 through 15, inclusive; in line 16, strike “**(I)**” and substitute “**(6)**”; in line 23, strike “**(II)**” and substitute “**(7)**”; and after line 27, insert:

“(D) IN ANY ACTION BROUGHT IN A COURT OF THIS STATE UNDER § 6-103.3 OF THIS ARTICLE OR TO ENFORCE A FOREIGN JUDGMENT, THE COURT MAY AWARD A PARTY OPPOSING RECOGNITION OR ENFORCEMENT OF THE FOREIGN JUDGMENT REASONABLE ATTORNEY’S FEES AND COSTS, IF THE PARTY PREVAILS IN THE ACTION ON A GROUND SPECIFIC IN THIS SECTION.”

On pages 3 and 4, strike in their entirety the lines beginning with line 33 on page 3 through line 2 on page 4, inclusive.

On page 4, in line 3, strike “3.” and substitute “2.”.