



Sen. A. J. Wilhelmi

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1 AMENDMENT TO SENATE BILL 1074

2 AMENDMENT NO. _____. Amend Senate Bill 1074 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 adding Sections 12-661, 12-662, 12-663, 12-664, 12-665,
6 12-666, 12-667, 12-668, 12-669, 12-670, 12-671, and 12-672 as
7 follows:

8 (735 ILCS 5/12-661 new)

9 Sec. 12-661. Short title. Sections 12-661 through 12-672
10 may be cited as the Uniform Foreign-Country Money Judgments
11 Recognition Act. In those Sections, "this Act" means the
12 Uniform Foreign-Country Money Judgments Recognition Act.

13 (735 ILCS 5/12-662 new)

14 Sec. 12-662. Definitions. In this Act:

15 "Foreign country" means a government other than:

1 (A) the United States;

2 (B) a state, district, commonwealth, territory, or
3 insular possession of the United States; or

4 (C) any other government with regard to which the
5 decision in this State as to whether to recognize a
6 judgment of that government's courts is initially subject
7 to determination under the Full Faith and Credit Clause of
8 the United States Constitution.

9 "Foreign-country judgment" means a judgment of a court of a
10 foreign country.

11 (735 ILCS 5/12-663 new)

12 Sec. 12-663. Applicability.

13 (a) Except as otherwise provided in subsection (b), this
14 Act applies to a foreign-country judgment to the extent that
15 the judgment:

16 (1) grants or denies recovery of a sum of money; and

17 (2) under the law of the foreign country where
18 rendered, is final, conclusive, and enforceable.

19 (b) This Act does not apply to a foreign-country judgment,
20 even if the judgment grants or denies recovery of a sum of
21 money, to the extent that the judgment is:

22 (1) a judgment for taxes;

23 (2) a fine or other penalty; or

24 (3) a judgment for divorce, support, or maintenance, or
25 other judgment rendered in connection with domestic

1 relations.

2 (c) A party seeking recognition of a foreign-country
3 judgment has the burden of establishing that this Act applies
4 to the foreign-country judgment.

5 (735 ILCS 5/12-664 new)

6 Sec. 12-664. Standards for recognition of foreign-country
7 judgment.

8 (a) Except as otherwise provided in subsections (b) and
9 (c), a court of this State shall recognize a foreign-country
10 judgment to which this Act applies.

11 (b) A court of this State may not recognize a
12 foreign-country judgment if:

13 (1) the judgment was rendered under a judicial system
14 that does not provide impartial tribunals or procedures
15 compatible with the requirements of due process of law;

16 (2) the foreign court did not have personal
17 jurisdiction over the defendant; or

18 (3) the foreign court did not have jurisdiction over
19 the subject matter.

20 (c) A court of this State need not recognize a
21 foreign-country judgment if:

22 (1) the defendant in the proceeding in the foreign
23 court did not receive notice of the proceeding in
24 sufficient time to enable the defendant to defend;

25 (2) the judgment was obtained by fraud that deprived

1 the losing party of an adequate opportunity to present its
2 case;

3 (3) the judgment or the cause of action on which the
4 judgment is based is repugnant to the public policy of this
5 State or of the United States;

6 (4) the judgment conflicts with another final and
7 conclusive judgment;

8 (5) the proceeding in the foreign court was contrary to
9 an agreement between the parties under which the dispute in
10 question was to be determined otherwise than by proceedings
11 in that foreign court;

12 (6) in the case of jurisdiction based only on personal
13 service, the foreign court was a seriously inconvenient
14 forum for the trial of the action;

15 (7) the judgment was rendered in circumstances that
16 raise substantial doubt about the integrity of the
17 rendering court with respect to the judgment; or

18 (8) the specific proceeding in the foreign court
19 leading to the judgment was not compatible with the
20 requirements of due process of law.

21 (d) A party resisting recognition of a foreign-country
22 judgment has the burden of establishing that a ground for
23 nonrecognition stated in subsection (b) or (c) exists.

24 (735 ILCS 5/12-665 new)

25 Sec. 12-665. Personal jurisdiction.

1 (a) A foreign-country judgment may not be refused
2 recognition for lack of personal jurisdiction if:

3 (1) the defendant was served with process personally in
4 the foreign country;

5 (2) the defendant voluntarily appeared in the
6 proceeding, other than for the purpose of protecting
7 property seized or threatened with seizure in the
8 proceeding or of contesting the jurisdiction of the court
9 over the defendant;

10 (3) the defendant, before the commencement of the
11 proceeding, had agreed to submit to the jurisdiction of the
12 foreign court with respect to the subject matter involved;

13 (4) the defendant was domiciled in the foreign country
14 when the proceeding was instituted or was a corporation or
15 other form of business organization that had its principal
16 place of business in, or was organized under the laws of,
17 the foreign country;

18 (5) the defendant had a business office in the foreign
19 country and the proceeding in the foreign court involved a
20 cause of action arising out of business done by the
21 defendant through that office in the foreign country; or

22 (6) the defendant operated a motor vehicle or airplane
23 in the foreign country and the proceeding involved a cause
24 of action arising out of that operation.

25 (b) The list of bases for personal jurisdiction in
26 subsection (a) is not exclusive. The courts of this State may

1 recognize bases of personal jurisdiction other than those
2 listed in subsection (a) as sufficient to support a
3 foreign-country judgment.

4 (735 ILCS 5/12-666 new)

5 Sec. 12-666. Procedure for recognition of foreign-country
6 judgment.

7 (a) If recognition of a foreign-country judgment is sought
8 as an original matter, the issue of recognition shall be raised
9 by filing an action seeking recognition of the foreign-country
10 judgment.

11 (b) If recognition of a foreign-country judgment is sought
12 in a pending action, the issue of recognition may be raised by
13 counterclaim, cross-claim, or affirmative defense.

14 (735 ILCS 5/12-667 new)

15 Sec. 12-667. Effect of recognition of foreign-country
16 judgment. If the court in a proceeding under Section 12-666
17 finds that the foreign-country judgment is entitled to
18 recognition under this Act then, to the extent that the
19 foreign-country judgment grants or denies recovery of a sum of
20 money, the foreign-country judgment is:

21 (1) conclusive between the parties to the same extent
22 as the judgment of a sister state entitled to full faith
23 and credit in this State would be conclusive; and

24 (2) enforceable in the same manner and to the same

1 extent as a judgment rendered in this State.

2 (735 ILCS 5/12-668 new)

3 Sec. 12-668. Stay of proceedings pending appeal of
4 foreign-country judgment. If a party establishes that an
5 appeal from a foreign-country judgment is pending or will be
6 taken, the court may stay any proceedings with regard to the
7 foreign-country judgment until the appeal is concluded, the
8 time for appeal expires, or the appellant has had sufficient
9 time to prosecute the appeal and has failed to do so.

10 (735 ILCS 5/12-669 new)

11 Sec. 12-669. Statute of limitations. An action to recognize
12 a foreign-country judgment must be commenced within the earlier
13 of the time during which the foreign-country judgment is
14 effective in the foreign country or 15 years from the date that
15 the foreign-country judgment became effective in the foreign
16 country.

17 (735 ILCS 5/12-670 new)

18 Sec. 12-670. Uniformity of interpretation. In applying and
19 construing this uniform Act, consideration must be given to the
20 need to promote uniformity of the law with respect to its
21 subject matter among states that enact it.

22 (735 ILCS 5/12-671 new)

1 Sec. 12-671. Saving clause. This Act does not prevent the
2 recognition under principles of comity or otherwise of a
3 foreign-country judgment not within the scope of this Act.

4 (735 ILCS 5/12-672 new)

5 Sec. 12-672. Act application. This Act applies to all
6 actions commenced on or after the effective date of this
7 amendatory Act of the 97th General Assembly in which the issue
8 of recognition of a foreign-country judgment is raised.

9 (735 ILCS 5/12-618 rep.)

10 (735 ILCS 5/12-619 rep.)

11 (735 ILCS 5/12-620 rep.)

12 (735 ILCS 5/12-621 rep.)

13 (735 ILCS 5/12-622 rep.)

14 (735 ILCS 5/12-623 rep.)

15 (735 ILCS 5/12-624 rep.)

16 (735 ILCS 5/12-625 rep.)

17 (735 ILCS 5/12-626 rep.)

18 Section 10. The Code of Civil Procedure is amended by
19 repealing Sections 12-618, 12-619, 12-620, 12-621, 12-622,
20 12-623, 12-624, 12-625, and 12-626."