

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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

7 (735 ILCS 5/12-661 new)

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

12 (735 ILCS 5/12-662 new)

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

14 "Foreign country" means a government other than:

15 (A) the United States;

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

18 (C) any other government with regard to which the
19 decision in this State as to whether to recognize a
20 judgment of that government's courts is initially subject
21 to determination under the Full Faith and Credit Clause of
22 the United States Constitution.

1 "Foreign-country judgment" means a judgment of a court of a
2 foreign country.

3 (735 ILCS 5/12-663 new)

4 Sec. 12-663. Applicability.

5 (a) Except as otherwise provided in subsection (b), this
6 Act applies to a foreign-country judgment to the extent that
7 the judgment:

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

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

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

14 (1) a judgment for taxes;

15 (2) a fine or other penalty; or

16 (3) a judgment for divorce, support, or maintenance, or
17 other judgment rendered in connection with domestic
18 relations.

19 (c) A party seeking recognition of a foreign-country
20 judgment has the burden of establishing that this Act applies
21 to the foreign-country judgment.

22 (735 ILCS 5/12-664 new)

23 Sec. 12-664. Standards for recognition of foreign-country
24 judgment.

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

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

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

9 (2) the foreign court did not have personal
10 jurisdiction over the defendant; or

11 (3) the foreign court did not have jurisdiction over
12 the subject matter.

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

15 (1) the defendant in the proceeding in the foreign
16 court did not receive notice of the proceeding in
17 sufficient time to enable the defendant to defend;

18 (2) the judgment was obtained by fraud that deprived
19 the losing party of an adequate opportunity to present its
20 case;

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

24 (4) the judgment conflicts with another final and
25 conclusive judgment;

26 (5) the proceeding in the foreign court was contrary to

1 an agreement between the parties under which the dispute in
2 question was to be determined otherwise than by proceedings
3 in that foreign court;

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

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

10 (8) the specific proceeding in the foreign court
11 leading to the judgment was not compatible with the
12 requirements of due process of law.

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

16 (735 ILCS 5/12-665 new)

17 Sec. 12-665. Personal jurisdiction.

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

20 (1) the defendant was served with process personally in
21 the foreign country;

22 (2) the defendant voluntarily appeared in the
23 proceeding, other than for the purpose of protecting
24 property seized or threatened with seizure in the
25 proceeding or of contesting the jurisdiction of the court

1 over the defendant;

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

5 (4) the defendant was domiciled in the foreign country
6 when the proceeding was instituted or was a corporation or
7 other form of business organization that had its principal
8 place of business in, or was organized under the laws of,
9 the foreign country;

10 (5) the defendant had a business office in the foreign
11 country and the proceeding in the foreign court involved a
12 cause of action arising out of business done by the
13 defendant through that office in the foreign country; or

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

17 (b) The list of bases for personal jurisdiction in
18 subsection (a) is not exclusive. The courts of this State may
19 recognize bases of personal jurisdiction other than those
20 listed in subsection (a) as sufficient to support a
21 foreign-country judgment.

22 (735 ILCS 5/12-666 new)

23 Sec. 12-666. Procedure for recognition of foreign-country
24 judgment.

25 (a) If recognition of a foreign-country judgment is sought

1 as an original matter, the issue of recognition shall be raised
2 by filing an action seeking recognition of the foreign-country
3 judgment.

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

7 (735 ILCS 5/12-667 new)

8 Sec. 12-667. Effect of recognition of foreign-country
9 judgment. If the court in a proceeding under Section 12-666
10 finds that the foreign-country judgment is entitled to
11 recognition under this Act then, to the extent that the
12 foreign-country judgment grants or denies recovery of a sum of
13 money, the foreign-country judgment is:

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

17 (2) enforceable in the same manner and to the same
18 extent as a judgment rendered in this State.

19 (735 ILCS 5/12-668 new)

20 Sec. 12-668. Stay of proceedings pending appeal of
21 foreign-country judgment. If a party establishes that an
22 appeal from a foreign-country judgment is pending or will be
23 taken, the court may stay any proceedings with regard to the
24 foreign-country judgment until the appeal is concluded, the

1 time for appeal expires, or the appellant has had sufficient
2 time to prosecute the appeal and has failed to do so.

3 (735 ILCS 5/12-669 new)

4 Sec. 12-669. Statute of limitations. An action to recognize
5 a foreign-country judgment must be commenced within the earlier
6 of the time during which the foreign-country judgment is
7 effective in the foreign country or 15 years from the date that
8 the foreign-country judgment became effective in the foreign
9 country.

10 (735 ILCS 5/12-670 new)

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

15 (735 ILCS 5/12-671 new)

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

19 (735 ILCS 5/12-672 new)

20 Sec. 12-672. Act application. This Act applies to all
21 actions commenced on or after the effective date of this
22 amendatory Act of the 97th General Assembly in which the issue

1 of recognition of a foreign-country judgment is raised.

2 (735 ILCS 5/12-618 rep.)

3 (735 ILCS 5/12-619 rep.)

4 (735 ILCS 5/12-620 rep.)

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

6 (735 ILCS 5/12-622 rep.)

7 (735 ILCS 5/12-623 rep.)

8 (735 ILCS 5/12-624 rep.)

9 (735 ILCS 5/12-625 rep.)

10 (735 ILCS 5/12-626 rep.)

11 Section 10. The Code of Civil Procedure is amended by
12 repealing Sections 12-618, 12-619, 12-620, 12-621, 12-622,
13 12-623, 12-624, 12-625, and 12-626.