



## **OPPOSE – HB 419: THE ANTI-SHARIA LAW BILL**

HB 419, or “American and Idaho Laws for Idaho Courts,” purports to regulate Idaho courts’ use and recognition of foreign law, but is rooted in the unfounded idea that Muslims seek to impose Islamic law on U.S. courts. Even though HB 419 uses coded language and avoids direct reference to Islamic Sharia law, this is the third consecutive year that Rep. Redman (R-Athol) has introduced a “foreign law bill” with the intent to target only one religious group—people of the Muslim faith.

Beyond its discriminatory intent, HB 419 also has the potential to create significant unintended consequences in the everyday lives of Idahoans who marry abroad, file for divorce, adopt children from overseas, or conduct other family matters that involve foreign or international law. It will also be bad for our economy, driving away multinational corporations that might otherwise settle or conduct business in our state.

### **HB 419 is anti-Muslim and un-American.**

- Discriminating against Muslims based on cultural stereotyping is unconstitutional and un-American. We cannot trade away our civil liberties for political advantage.
- Religious freedom and equality are fundamental values of the U.S. and the state of Idaho. These principles are enshrined in the Constitution and help define what’s best about our country. HB 419 feeds on growing anti-Muslim hate and rhetoric to single out our Muslim neighbors, who have the same rights as all Americans.

### **HB 419 is a solution in search of a problem.**

- This bill is motivated by an unfounded concern that so-called “Sharia law” is overtaking Idaho courts, but there is no evidence of that.
- The First Amendment already prohibits U.S. courts from imposing religious law as civil law, so this measure is completely unnecessary.

### **HB 419 will have serious unintended consequences, creating confusion and legal nightmares for many Idaho families.**

- Courts routinely consider the law of foreign countries for a variety of reasons. It’s especially important in family law matters to determine the validity of marriages and adoption agreements conducted abroad. But under this bill, a court would be prohibited from recognizing these issues unless the court first determines that the pertinent country’s legal system provides its citizens similar fundamental liberties as the U.S. and Idaho Constitutions. That’s a problem because even our most democratic allies have laws that differ from ours, even when it comes to fundamental liberties and rights, and it could leave many Idahoan families in a difficult position.
  - *Otherwise legal marriages would be invalidated:* A couple from Idaho who is married abroad would be unable to have their marriage recognized at home unless they choose to be married in a country that provides similar procedural and substantive rights relating to marriage as our laws do. Similarly, married couples who move to Idaho from countries lacking the exact same legal protections (for example, Israel) might not be able to have their marriages recognized.
  - *Otherwise legal international adoptions would be voided:* An Idaho family who adopts a child from a foreign country must obtain a foreign adoption decree in compliance with the law of that country. But under HB

419, a court would be prevented from recognizing a foreign adoption decree as valid if the pertinent country does not provide similar procedural and substantive rights relating to adoption as our laws do. The measure would also raise significant legal difficulties for adoption agencies, both religious and secular, that facilitate international adoptions.

**HB 419 jeopardizes Idaho's place in the global international community.**

- In order to be a global leader on human rights, we must uphold our commitment to international laws and standards. This not only includes honoring international laws, but refusing to enshrine discrimination and intolerance in Idaho law.
- Ignoring America's international legal obligations puts Idahoans at risk. If a court were unable to inform foreign nationals who are arrested in Idaho that international law entitles them to assistance from their home country's embassy or consulate, other countries might likewise deprive Americans who are arrested abroad (including military personnel and Idahoans temporarily working outside the country) from exercising these essential rights.

**HB 419 is bad for business and our economy.**

- Despite the text of section 73-507(1), HB 419 could still cast uncertainty on international business transactions conducted by Idaho companies, jeopardizing Idaho's ever-expanding international technology and agricultural industries.
- Idaho's international companies will be more likely to take their business to another state, where they don't have to contend with the risks posed by HB 419.