

Senate Engrossed

judicial determinations; religious sectarian laws

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SENATE BILL 1573

AN ACT

AMENDING SECTIONS 12-3101 AND 12-3102, ARIZONA REVISED STATUTES; AMENDING TITLE 12, CHAPTER 22, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2; RELATING TO JUDICIAL DETERMINATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Heading change

3 A. The chapter heading of title 12, chapter 22, Arizona Revised
4 Statutes, is changed from "APPLICATION OF FOREIGN LAWS" to "APPLICATION OF
5 FOREIGN LAWS AND RELIGIOUS SECTARIAN LAWS".

6 B. The article heading of title 12, chapter 22, article 1, Arizona
7 Revised Statutes, is changed from "GENERAL PROVISIONS" to "FOREIGN LAWS".

8 Sec. 2. Section 12-3101, Arizona Revised Statutes, is amended to
9 read:

10 12-3101. Definition of foreign law

11 In this ~~chapter~~ ARTICLE, unless the context otherwise requires,
12 "foreign law" means any law, rule or legal code or system other than the
13 constitution, laws and ratified treaties of the United States and the
14 territories of the United States, ~~or~~ or the constitution and laws of this
15 state.

16 Sec. 3. Section 12-3102, Arizona Revised Statutes, is amended to
17 read:

18 12-3102. Application

19 A. This ~~chapter~~ ARTICLE applies only to actual violations of the
20 constitutional rights of a person or actual conflict with the laws of this
21 state caused by the application of the foreign law.

22 B. This ~~chapter~~ ARTICLE does not apply to a corporation,
23 partnership or other form of business association.

24 Sec. 4. Title 12, chapter 22, Arizona Revised Statutes, is amended
25 by adding article 2, to read:

26 ARTICLE 2. RELIGIOUS SECTARIAN LAWS

27 12-3104. Prohibited judicial determinations based on
28 religious sectarian law; applicability; definition

29 A. A COURT SHALL NOT RELY ON ANY RELIGIOUS SECTARIAN LAW AS
30 CONTROLLING OR PERSUASIVE AUTHORITY.

31 B. THIS SECTION APPLIES TO A FEDERAL COURT SITTING IN DIVERSITY
32 JURISDICTION.

33 C. THIS SECTION DOES NOT APPLY TO:

34 1. A STATUTE OR ANY CASE LAW DEVELOPED IN THE UNITED STATES AND ITS
35 TERRITORIES THAT IS BASED ON ANGLO-AMERICAN LEGAL TRADITION AND PRINCIPLES
36 ON WHICH THE UNITED STATES WAS FOUNDED.

37 2. A STATUTE OR ANY CASE LAW OR LEGAL PRINCIPLE THAT WAS INHERITED
38 FROM GREAT BRITAIN BEFORE THE EFFECTIVE DATE OF THIS ARTICLE.

39 3. THE RECOGNITION OF A TRADITIONAL MARRIAGE BETWEEN A MAN AND A
40 WOMAN AS OFFICIATED BY THE CLERGY OR A SECULAR OFFICIAL OF THE MATRIMONIAL
41 COUPLE'S CHOICE.

42 D. FOR THE PURPOSES OF THIS SECTION, "RELIGIOUS SECTARIAN LAW":

43 1. MEANS ANY STATUTE, TENET OR BODY OF LAW EVOLVING WITHIN AND
44 BINDING A SPECIFIC RELIGIOUS SECT OR TRIBE.

1 2. DOES NOT INCLUDE ANY LAW OF THE UNITED STATES OR THE INDIVIDUAL
2 STATES BASED ON ANGLO-AMERICAN LEGAL TRADITION AND PRINCIPLES ON WHICH THE
3 UNITED STATES WAS FOUNDED.

4 Sec. 5. Legislative findings

5 The legislature finds that:

6 1. The tenth amendment to the United States Constitution guarantees
7 and reserves to the states or their people all powers not specifically
8 granted to the federal government elsewhere in the constitution as they
9 were publicly understood at the time the amendment was ratified on
10 December 15, 1791, subject only to modification by duly ratified
11 subsequent amendments to the United States Constitution. The guaranty of
12 those powers is a matter of compact between the state and people of
13 Arizona and the United States as of the time Arizona was admitted to
14 statehood on February 14, 1912.

15 2. As a matter of compact between the state and people of Arizona
16 and the United States as of the time Arizona was admitted to statehood on
17 February 14, 1912, the tenth amendment to the United States Constitution
18 guarantees to the state and people of Arizona that other than the
19 enumerated powers expressly granted to the United States under article I,
20 section 8 of the United States Constitution, Congress and the federal
21 government will not exercise any purported control over or commandeer the
22 courts of the state of Arizona.

23 3. At the time the United States Constitution was ratified on June
24 21, 1788, the sole and sovereign power to regulate the state courts rested
25 in the state legislature and has always been a compelling state concern
26 and central to state sovereignty. Accordingly, the foregoing public
27 meaning and understanding of article I, section 8, the establishment
28 clause of the first amendment and the tenth amendment of the United States
29 Constitution are matters of compact between the state and people of
30 Arizona and the United States as of the time Arizona was admitted to
31 statehood on February 14, 1912.

32 4. At the time the United States Constitution was ratified on June
33 21, 1788, the commerce clause was not meant or understood to authorize
34 Congress or the federal judiciary to regulate the state courts in the
35 matter of state substantive law or state judicial procedure. The meaning
36 and understanding of article I, section 8, the establishment clause of the
37 first amendment and the tenth amendment of the United States Constitution,
38 as they pertain to the validity of religious sectarian law as being
39 controlling or influential precedent, have never been modified by any duly
40 ratified amendment to the United States Constitution. Accordingly, the
41 foregoing public meaning and understanding of article I, section 8 and the
42 tenth amendment of the United States Constitution are matters of compact
43 between the state and people of Arizona and the United States as of the
44 time Arizona was admitted to statehood on February 14, 1912.

1 5. At the time the United States Constitution was ratified on June
2 21, 1788, the commerce clause was not meant or understood to authorize
3 Congress or the federal judiciary to establish religious sectarian statute
4 or case law as controlling or influential precedent. The meaning and
5 understanding of article I, section 8, the establishment clause of the
6 first amendment and the tenth amendment of the United States Constitution,
7 as they pertain to controlling or influential legal authority, have never
8 been modified by any duly ratified amendment to the United States
9 Constitution. Accordingly, the foregoing public meaning and understanding
10 of article I, section 8, the establishment clause of the first amendment
11 and the tenth amendment of the United States Constitution are matters of
12 compact between the state and people of Arizona and the United States as
13 of the time Arizona was admitted to statehood on February 14, 1912.

14 6. The Congress and the federal government are denied the power to
15 establish a sectarian religion by recognizing or ratifying judicial
16 decisions based on religious sectarian law.

17 7. Under the tenth amendment of the United States Constitution, the
18 people and state of Arizona retain their exclusive power to regulate the
19 state courts of Arizona subject only to the fourteenth amendment's
20 guarantee that the people and state of Arizona shall exercise such
21 sovereign power in accordance with each citizen's lawful privileges or
22 immunities, and in compliance with the requirements of due process and
23 equal protection of the law.

24 8. The ninth amendment of the United States Constitution secures
25 and reserves to the people of Arizona as against the federal government
26 their natural rights to life, liberty and property as entailed by the
27 traditional Anglo-American conception of ordered liberty and as secured by
28 state law, including their rights as they were understood and secured by
29 the law at the time the amendment was ratified on December 15, 1791, as
30 well as their rights as they were understood and secured by the law in the
31 state of Arizona at the time the Arizona Constitution was adopted on
32 December 9, 1910. The guarantee of those rights is a matter of compact
33 between the state and people of Arizona and the United States as of the
34 time Arizona was admitted to statehood on February 14, 1912.

35 Sec. 6. Construction and severability

36 A. Any court that construes this act must adopt a construction of
37 each provision that:

38 1. Confines the power of Congress and the federal judiciary to
39 impose religious sectarian law to the least expansive interpretation
40 permitted under binding precedent.

41 2. Secures the authority of the state of Arizona to exclusively
42 regulate its courts under the tenth amendment of the United States
43 Constitution to the greatest extent permitted under binding precedent.

1 3. Protects the constitutional rights of Arizonans under article I,
2 section 8 of the United States Constitution, as well as the first, ninth
3 and tenth amendments to the United States Constitution to regulate the
4 state's judiciary permitted under binding precedent.

5 B. If a provision of this act or its application to any person or
6 circumstance is held invalid, the invalidity does not affect other
7 provisions or applications of the act that can be given effect without the
8 invalid provision or application, and to this end the provisions of this
9 act are severable.

10 Sec. 7. Short title

11 This act may be cited as the "Arizona Foreign Decisions Act".