

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 964 Session of
2025

INTRODUCED BY MASTRIANO AND HUTCHINSON, AUGUST 13, 2025

REFERRED TO JUDICIARY, AUGUST 13, 2025

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for application
3 of international law.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Chapter 53 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subchapter to read:

8 SUBCHAPTER D

9 APPLICATION OF INTERNATIONAL LAW

10 Sec.

11 5351. Legislative declarations.

12 5352. Definitions.

13 5353. Application of this subchapter to other laws.

14 5354. Application of international law restricted.

15 5355. Violations and review.

16 5356. Whistleblower protection.

17 5357. Reporting of violations.

18 5358. Construction.

19 § 5351. Legislative declarations.

1 The General Assembly declares as follows:

2 (1) The Constitution of the United States and the
3 Constitution of Pennsylvania are the supreme law of this
4 Commonwealth.

5 (2) The rights and privileges guaranteed under the
6 Constitution of the United States and the Constitution of
7 Pennsylvania shall not be infringed or limited by the
8 application or enforcement of any international law to the
9 extent the application would violate rights guaranteed under
10 the Constitution of the United States and the Constitution of
11 Pennsylvania.

12 § 5352. Definitions.

13 The following words and phrases when used in this subchapter
14 shall have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "International law." Legal codes, statutes or systems
17 originating from outside the United States that are applied in
18 judicial or administrative proceedings in this Commonwealth. The
19 term shall not include:

20 (1) Treaties to which the United States is a party under
21 Article II, Section 2 of the Constitution of the United
22 States.

23 (2) Federal statutes implementing international
24 agreements.

25 (3) Recognition of judgments or awards under 9 U.S.C.
26 (relating to arbitration), the Convention on the Recognition
27 and Enforcement of Foreign Arbitral Awards of June 10, 1958,
28 or other binding Federal law.

29 "Public policy." Fundamental principles and values,
30 including due process, equal protection, freedom of religion,

freedom of speech and other rights guaranteed under the
Constitution of the United States and the Constitution of
Pennsylvania.

§ 5353. Application of this subchapter to other laws.

This subchapter shall not affect the recognition or
enforcement of judgments under:

(1) The act of November 21, 1990 (P.L.559, No.139),
known as the Uniform Foreign Money Judgment Recognition Act,
unless such recognition or enforcement would violate
constitutional rights or public policy.

(2) (Reserved).

§ 5354. Application of international law restricted.

(a) Prohibition.--

(1) A court, arbitrator, tribunal or administrative
agency may not apply or enforce a provision of international
law where the application of the law is found to directly and
materially violate a clearly established right under the
Constitution of the United States or the Constitution of
Pennsylvania.

(2) If a provision of a contract or agreement calls for
the application of international law and the enforcement of
that international law would violate public policy, that
provision shall be null and void to the extent of the
conflict.

(b) Construction.--Nothing in this subchapter shall be
construed to:

(1) Deny recognition to foreign or international
judgments or arbitration awards otherwise enforceable under
Federal or State law, unless they violate public policy.

(2) Interfere with choice-of-law principles that do not

1 result in constitutional violations.

2 (3) Prohibit private parties from voluntarily subjecting
3 themselves to foreign law in a personal or business context,
4 so long as the choice does not infringe upon fundamental
5 rights.

6 § 5355. Violations and review.

7 A public officer, agency or administrative tribunal that
8 knowingly and willfully applies a provision of international law
9 in a manner that directly violates a person's constitutional
10 rights may be subject to disciplinary review under applicable
11 judicial or administrative procedures. A civil penalty may not
12 be imposed unless gross negligence or willful misconduct is
13 established by clear and convincing evidence.

14 § 5356. Whistleblower protection.

15 (a) General protection.--An individual who, in good faith,
16 reports a concern or complaint of this subchapter shall be
17 protected from retaliation in the form of discharge, demotion,
18 suspension, harassment or any form of discrimination in the
19 terms and conditions of employment or professional status.

20 (b) Retaliation penalties.--Any person who retaliates
21 against a whistleblower for reporting a violation shall be
22 liable for:

23 (1) Actual damages, including reinstatement, back pay
24 and compensatory damages.

25 (2) A civil penalty not exceeding \$10,000.

26 (3) Reasonable attorney fees and costs.

27 (c) Violations of this section.--A report of a violation of
28 this section shall be submitted to the Office of Attorney
29 General or other designated authority as established by the
30 Department of State.

1 § 5357. Reporting of violations.

2 The Office of Attorney General shall:

3 (1) Establish and maintain a secure and anonymous
4 reporting system for individuals to submit complaints or
5 concerns related to violations of this subchapter, provided
6 that the system shall not be used to undermine judicial
7 independence, second-guess judicial decisions or substitute
8 policy disagreement for legal error.

9 (2) Review all complaints submitted and, where
10 appropriate, initiate investigations or refer the matter to
11 the appropriate oversight or enforcement agency.

12 (3) By February 1 of each year, compile an annual report
13 summarizing the number and nature of complaints received
14 under this section, excluding personal identifying
15 information.

16 (4) Submit the report under paragraph (3) to:

17 (i) The President pro tempore of the Senate.

18 (ii) The Speaker of the House of Representatives.

19 (iii) The chair and minority chair of the Judiciary
20 Committee of the Senate.

21 (iv) The chair and minority chair of the Judiciary
22 Committee of the House of Representatives.

23 (v) The Legislative Budget and Finance Committee.

24 § 5358. Construction.

25 Nothing in this subchapter shall be construed to conflict
26 with the Constitution of the United States, Federal law or
27 treaties duly ratified by the United States.

28 Section 2. This act shall take effect in 60 days.