
BILL NO: House Bill 81
TITLE: Criminal Law - Sodomy and Unnatural or Perverted Sexual Practice –
Repeal
COMMITTEE: Judiciary
HEARING DATE: January 21, 2019
POSITION: **SUPPORT**

House Bill 81 would repeal the crimes of sodomy and unnatural or perverted practice from Maryland's Criminal code. The Women's Law Center (WLC) supports this bill as these laws, particularly the law against sodomy (§3-321), reflect social mores of a past era and the law needs to be updated to reflect both case law and current societal views.

In the 1990s, in several cases, all mentioned in this bill's fiscal note, our Court of Appeals held that these crimes could not be charged against consenting heterosexual adults in private. Later these cases extended to consenting homosexual adults. By 2002, 36 states had repealed their laws criminalizing sodomy and certain other acts, and in 2003 the United States Supreme Court invalidated the remains states' laws. Indeed, statutes prohibiting consensual, intimate sexual conduct between two individuals violate the constitutional right to liberty under the Due Process Clause.

While case law and practice has caught up with our current understanding of human rights, the continued existence of the statute, even if not enforced, remains an injurious and problematic reminder of the discrimination individuals within the LGBTQ community face. When LGBTQ folks remain three times more likely to be incarcerated than heterosexual individuals, laws like this only perpetuate those challenges. As such, Maryland's Code should be updated.

For these reasons, the WLC supports HB81 and urges a favorable report.