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Maryland General Assembly

Written Testimony: SB0054

Good Afternoon,

I am writing testimony in support of the repeal of SB0054: The Unnatural and Perverted Sex Practices code. This code is redundant, outdated, and it has a history of being weaponized against consenting adults in private spaces due to its breadth of scope.

Under the code as it's written, "a person may not commit another unnatural or perverted sex practice with another," and to do so is punishable by a fine and jail time. The wide brush with which is paints creates a host of issues with enforcement. Terms like "unnatural" and "perverted" are far too subjective to be effective in something as important as the letter of the law. Who determines what is unnatural or perverted, and by what empirical scale is that determination made? This unnecessary breadth leaves this legislation open to be used as a weapon against consenting adults in private, designated spaces for such activities.

Those opposed to repealing this code may argue that those in favor are trying to legalize bestiality and pedophilia, as both of these things are also mentioned. This is nothing more than unsubstantiated fear-mongering. Both pedophilia and bestiality are already enforced more effectively in existing legislation. Child sexual abuse is outlined under criminal code 3-602, and even stipulates that the code is still enforceable whether injuries are sustained or not (this code makes no such distinction). Sexual contact with animals was more thoroughly outlined just recently with the passing of HB0641 (cross-filed in the senate as SB0355) in the 2019 session. The things in the code we're discussing here that should be in the letter of the law already are, and in a way that is more effectively enforceable.

As of the writing of this testimony, the 14th Amendment of the United States Constitution still guarantees citizens the right to privacy. What two or more consenting adults do in private, designated spaces is of no business to this legislative body. To have code like the Unnatural and Perverted Sexual Acts measure still on the books hundreds of years after their original writing is a violation of the amendments from which our legislation is supposed to be built. In fact, a similar piece of legislation was repealed in Virginia on constitutional grounds not long ago.

As our culture and society progress, so too must our legislation. Part of that progress involves ridding our books of antiquated code that puts the constitutional rights of citizens at risk with its phrasing, and who's useful segments are already more effectively covered elsewhere. The Unnatural and Perverted Sexual Acts code has far outlasted its usefulness, and for the good of the rights of consenting adults throughout our great state, the time has come to repeal it. Thank you for your time.