

BILL NO.: Senate Bill 54
TITLE: Criminal Law - Unnatural or Perverted Sexual Practice -Repeal
COMMITTEE: Judicial Proceedings
DATE: February 1, 2023
POSITION: **SUPPORT**

Senate Bill 54 would close a loophole that was left in 2020 when another bill was passed to repeal the crime of sodomy. Through amendments that bill left the criminal law on unnatural and perverted sex acts intact. SB 54 would repeal the remaining law.

Because of the amendments to the sodomy repeal in 2020, the crime of unnatural and perverted acts remains on the books. Therefore, consensual sexual activity is still illegal. SB 54 would abrogate this crime, and make it safe for people to engage in consensual activity as they mutually choose. In essence, the bill (1) repeals the crime of unnatural or perverted sexual practice under § 3-322 of the Criminal Law Article; (2) makes conforming and technical changes due to the repeal; and (3) prohibits the expungement of a conviction for unnatural or perverted practice, as the offense existed prior to the bill's effective date of October 1, 2023, under specified circumstances. Importantly SB 54 makes clear that in certain circumstance the law still would prohibits expungement of convictions for unnatural or perverted sexual practices, as the offense existed prior to October 1, 2023, if the act was committed: without consent; with a minor younger than age 16; with anyone the individual could not marry under State law (e.g., parent, child, or sibling); with a mentally incapacitated individual; with a physically helpless individual; or with a substantially cognitively impaired individual.

Thus, the Women's Law Center of Maryland urges a favorable report for SB 54.

The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.