



**Testimony for the Senate Judicial Proceedings Committee  
February 20, 2020**

**SB 735 – Criminal Law – Sodomy and Unnatural or Perverted Sexual  
Practice - Repeal**

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**FAVORABLE**

The ACLU of Maryland supports SB 735 to repeal from the Maryland Code the crimes of sodomy and unnatural or perverted sexual practice.

AMERICAN CIVIL  
LIBERTIES UNION  
FOUNDATION OF  
MARYLAND

The U.S. Supreme Court held in a landmark 2003 ruling that the Constitution protects the right of consenting adults to engage in private sexual activity.<sup>1</sup> That right had already been extended in Maryland, first to heterosexual adults,<sup>2</sup> and then all adults regardless of sexual orientation.<sup>3</sup>

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However, despite these victories, anti-sodomy laws still remain nationwide. While they may seem like antiquated laws that technically still exist but are not actually enforced, these laws have been frequently used to discriminate against the LGBTQ community. As long as Maryland's law is on the books, it will continue to endanger LGBTQ people, and leave them vulnerable to employment discrimination, unfair attacks in child custody cases, and being labeled as a criminal.

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Government should not have the right to police other people's bedrooms and consensual adult sexual activity. States across the country have been repealing their sodomy laws since 1961.<sup>4</sup> It is time for Maryland to join them, and live up to our state nickname, "The Free State."

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<sup>1</sup> *Lawrence v. Texas*, 539 U.S. 558 (2003).

<sup>2</sup> *Schochet v. State*, 320 Md. 714 (1990).

<sup>3</sup> *Williams v. State*, No. 98036031/CC-1059, 1998 Extra LEXIS 260 (Balt. City Cir. Ct. Oct. 15, 1998).

<sup>4</sup> American Civil Liberties Union, *Getting rid of sodomy laws: history and strategy that led to the Lawrence decision*, available at <http://www.aclu.org/other/getting-rid-sodomy-laws-history-and-strategy-led-lawrence-decision>