

HB 131 Testimony

HB 131 Criminal Law – Unnatural or Perverted Sexual Practice – Repeal

Bill Sponsors: Delegate Moon

Committee: Judiciary

Organization Submitting: Lower Shore Progressive Caucus

Person Submitting: Sam Harvey

Position: Favorable

I am submitting this testimony in favor of HB 131 on behalf of the Lower Shore Progressive Caucus. The Caucus is a political and activist organization on the Eastern Shore, unaffiliated with any political party, committed to empowering working people by building a Progressive movement of the Lower Eastern Shore.

HB 131 addresses some archaic language, related to certain intimate acts which were always entirely appropriate in private, and between consenting adults - and, indeed, were never any of the state's business.

It builds on civil rights efforts of decades past - the successful repeal of the main part of Maryland's anti-sodomy laws. Whatever one might feel personally about any specific intimate act, no one wants the government peeping in at the bedroom window. Worse, ill-intentioned politickers frequently stumped around that never-should-have-been criminality, moralizing and tribalizing with little regard for the anguish and injury it caused people who were bothering absolutely no one.

While HB 131 removes the entire section dealing with “unnatural or perverted” sex acts, the primary effect of the repeal is to legalize rather prosaic intimate acts - oral sex is still considered sodomy in Maryland.

HB 131 does remove language about bestiality from this section, but only because it is redundant. The section clearly references criminal acts covered elsewhere. (Specifically, bestiality is criminal under the Aggravated Cruelty to Animals section - and was unanimously bumped up to a felony several years ago in Maryland.)

HB 131 also strikes “...whether between persons of the same or opposite sex” from the definition of sexual intercourse. The language would be fair enough, but hearkens back to the bad faith actions of anti-sodomy days of old. And as long as the act occurs in private, between consenting adults, there's no reason the state should be considering the particulars, much less trying to shoehorn them into a definition.

As we progress toward a more fair and equitable society, we continue to refine the definition of our basic civil rights. HB 131 recognizes the spirit embedded in the Fourth Amendment that speaks to our reasonable expectation of privacy, and further advances its development.

The Lower Shore Progressive Caucus supports this bill and recommends a **FAVORABLE** report in committee.