

By Mr. Cohen of Newton, petition of David B. Cohen, other members of the House and another for legislation to make certain changes in laws relative to consensual intimate conduct between adults. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Three.

AN ACT RELATIVE TO THE REFORM OF ARCHAIC LAWS IMPLICATING PRIVATE CONSENSUAL INTIMATE CONDUCT BETWEEN ADULTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 139 of the General Laws is hereby
2 amended by striking out section 4, as appearing in the 1990
3 Official Edition, and inserting in place thereof the following
4 section: —

5 Section 4. Every building, part of a building, tenement or place
6 used for prostitution, public assignation, or public lewdness and
7 every place within or upon which acts of prostitution, public
8 assignation, or public lewdness are held or occur, shall be deemed
9 a nuisance.

10 For the purposes of this section and sections thirteen, nineteen,
11 and twenty, “public assignation” and “public lewdness” shall mean
12 acts committed with the intent of public exposure or with reckless
13 disregard of a foreseeable and substantial risk of exposure to a
14 person lawfully present who might be offended by it.

1 SECTION 2. Section 13 of said chapter 139, as so appearing,
2 is hereby amended by striking out, in line 2, the words “assignation
3 or lewdness” and inserting in place thereof the words: — public
4 assignation or public lewdness.

1 SECTION 3. Section 19 of said chapter 139, as most recently
2 amended by 495 of chapter 133 of the Acts of 1991, is hereby

3 amended by striking out, in line 3, the words “assignation or
4 lewdness” and inserting in place thereof the words: — public
5 assignation or public lewdness.

1 SECTION 4. Section 20 of said chapter 139, as appearing in
2 the 1990 Official Edition, is hereby amended by striking out, in
3 lines 2 to 3, the words “assignation or lewdness” and inserting in
4 place thereof the words: — public assignation or public lewdness.

1 SECTION 5. Section forty of chapter two hundred and eight
2 is hereby repealed.

1 SECTION 6. Section fourteen of chapter two hundred and
2 seventy-two is hereby repealed.

1 SECTION 7. Section 16 of chapter 272 of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 adding the following two sentences: — Nothing herein shall be
4 construed to apply to private, consensual conduct. Conduct shall
5 be deemed private, unless committed with the intent of public
6 exposure or with reckless disregard of a foreseeable and
7 substantial risk of exposure to a person lawfully present who
8 might be offended by it.

1 SECTION 8. Section eighteen of chapter two hundred and
2 seventy-two is hereby repealed.

1 SECTION 9. Chapter 272 of the General Laws, is hereby
2 amended by striking out section 24, as appearing in the 1990
3 Official Edition, and inserting in place thereof the following
4 section: —

5 Section 24. Whoever keeps a house of ill fame which is resorted
6 to for prostitution or public lewdness shall be punished by
7 imprisonment for not more than two years. For the purposes of
8 this section, “public lewdness” shall mean acts committed with the
9 intent of public exposure or with reckless disregard of a
10 foreseeable and substantial risk of exposure to a person lawfully
11 present who might be offended by it.

1 SECTION 10. Section 34 of chapter 272 of the General Laws,
2 as so appearing, is hereby amended by striking out, in lines 1 to 2,
3 the words “commits the abominable and detestable crime against
4 nature, either with mankind or” and inserting in place thereof the
5 words: — engaged in sexual relations.

1 SECTION 11. Section 35 of said chapter 272, as so appearing
2 is hereby amended by inserting after the word “any” in line 1, the
3 words: — natural or.

1 SECTION 12. Said section 35 of said chapter 272, as so
2 appearing, is hereby further amended by adding the following two
3 sentences: — Nothing herein shall be construed to apply to
4 private, consensual conduct. Conduct shall be deemed private,
5 unless committed with the intent of public exposure or with
6 reckless disregard of a foreseeable and substantial risk of exposure
7 to a person lawfully present who might be offended by it.

1 SECTION 13. Section 39 of chapter 277 of the General Laws,
2 as so appearing, is hereby amended by striking out the definitions
3 of “Adultery” and “Fornication”.

1 SECTION 14. Section 79 of said chapter 277, as so appearing,
2 is hereby amended by striking out all forms of complaint or
3 indictment for “Adultery”, “Fornication”, “Lewd and lascivious
4 cohabitation”, and “Sodomy”.

The first part of the report deals with the general situation in the country during the year 1950. It is noted that the economy has shown a steady growth, and that the government has been successful in maintaining a balance of payments surplus.

The second part of the report deals with the financial situation of the country. It is noted that the government has been successful in maintaining a low level of inflation, and that the public debt has been kept under control.

The third part of the report deals with the social situation in the country. It is noted that the government has been successful in maintaining a high level of social services, and that the standard of living has improved.

The fourth part of the report deals with the foreign relations of the country. It is noted that the government has been successful in maintaining friendly relations with all major powers, and that the country has been able to secure a favorable position in the world.

The fifth part of the report deals with the internal security of the country. It is noted that the government has been successful in maintaining a high level of internal security, and that there has been no serious threat to the stability of the country.

The sixth part of the report deals with the future prospects of the country. It is noted that the government has a clear and definite plan for the future, and that the country has a bright future ahead of it.

The seventh part of the report deals with the conclusion of the report. It is noted that the government has been successful in achieving its objectives, and that the country has a bright future ahead of it.

The eighth part of the report deals with the appendix. It contains a list of the names of the members of the government, and a list of the names of the members of the parliament.