

By Mr. Cohen of Newton, petition of David B. Cohen, Paul C. Demakis and Byron Rushing for legislation to make certain changes in the law relative to implicating private consensual intimate conduct between adults. The Judiciary.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Ninety-Seven.  
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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. Section forty of chapter two hundred and eight is  
2 hereby repealed.

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2 seventy-two is hereby repealed.

1 SECTION 3. Section 16 of chapter 272 of the General Laws,  
2 as appearing in the 1994 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 substan-  
7 tial risk of exposure to a person lawfully present who might be  
8 offended by it.

1 SECTION 4. Section eighteen of chapter two hundred and  
2 seventy-two is hereby repealed.

1 SECTION 5. 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: — engages in sexual relations.

1 SECTION 6. 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 pri-  
4 vate, consensual conduct. Conduct shall be deemed private, unless  
5 committed with the intent of public exposure or with reckless dis-  
6 regard of a foreseeable and substantial risk of exposure to a  
7 person lawfully present who might be offended by it.

1 SECTION 7. 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 8. Section 79 of chapter 277, as so appearing, is  
2 hereby amended by striking out all forms of complaint or indict-  
3 ment for Adultery, Fornication, Lewd and lascivious cohabitation,  
4 and Sodomy.