

117TH CONGRESS
2D SESSION

H. R. 8394

To protect the constitutional right to engage in private sexual conduct, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2022

Ms. OCASIO-CORTEZ introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To protect the constitutional right to engage in private sexual
conduct, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lawrence v. Texas
5 Codification Act of 2022”.

6 **SEC. 2. FINDING.**

7 Congress finds that the United States Supreme Court
8 stated in *Lawrence v. Texas* (539 U.S. 558 (2003)) that
9 “The state cannot demean [individuals’] existence or con-

1 trol their destiny by making their private sexual conduct
2 a crime”.

3 **SEC. 3. PROTECTION OF RIGHT TO ENGAGE IN PRIVATE**
4 **SEXUAL CONDUCT.**

5 (a) IN GENERAL.—A State may not enact a law or
6 regulation infringing on any individual’s right under the
7 due process clause of the Fourteenth Amendment to enter
8 upon consensual sexual relationships in the confines of
9 their homes and their own private lives, including relation-
10 ships between individuals of the same sex.

11 (b) CLARIFICATION.—Subsection (a) does not apply
12 to any law or regulation prohibiting forced or non-consen-
13 sual sexual conduct.

14 (c) ENFORCEMENT BY ATTORNEY GENERAL.—The
15 Attorney General may commence a civil action on behalf
16 of the United States against any State that violates, or
17 against any government official that implements or en-
18 forces a law or regulation that violates subsection (a). The
19 court shall hold unlawful and set aside the law or regula-
20 tion if it is in violation of subsection (a).

21 (d) PRIVATE RIGHT OF ACTION.—A violation of sub-
22 section (a) constitutes a deprivation of any rights, privi-
23 leges, or immunities secured by the Constitution and laws
24 for purposes of section 1979 of the Revised Statutes of

- 1 the United States (42 U.S.C. 1983), and a person injured
- 2 thereby may bring an action under such section.

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