

117TH CONGRESS  
2D SESSION

# H. R. 9564

To establish the right of adults to engage in private, non-commercial, consensual sexual conduct in the exercise of their liberty.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 2022

Mr. TAKANO (for himself, Ms. GARCIA of Texas, Mr. PAPPAS, Mr. JONES, Ms. PORTER, and Mr. EVANS) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To establish the right of adults to engage in private, non-commercial, consensual sexual conduct in the exercise of their liberty.

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 “Right to Private Con-  
5 duct Act of 2022”.

6 **SEC. 2. DEFINITION.**

7 In this Act, the term “adult” means an individual  
8 who has attained the lesser of—

9 (1) 18 years or age; or

1           (2) the minimum age at which an individual  
2           may consent to sexual conduct under applicable  
3           State law.

4 **SEC. 3. PROTECTION OF THE RIGHT OF ADULTS TO EN-**  
5 **GAGE IN PRIVATE, NON-COMMERCIAL, CON-**  
6 **SENSUAL SEXUAL CONDUCT.**

7           (a) IN GENERAL.—No person acting under color of  
8 law may—

9           (1) prevent an adult from engaging in private,  
10          non-commercial, consensual sexual conduct with an-  
11          other adult;

12          (2) interfere with an adult engaging in private,  
13          non-commercial, consensual sexual conduct with an-  
14          other adult; or

15          (3) intimidate, threaten, or retaliate against an  
16          adult because that adult has engaged or may engage  
17          in such conduct with another adult.

18          (b) ENFORCEMENT.—For the purposes of violations  
19 under subsection (a), the enforcement mechanism pro-  
20 vided for and available under the following shall apply:

21           (1) Section 1979 of the Revised Statutes of the  
22          United States (42 U.S.C. 1983).

23           (2) Section 241 of title 18, United States Code.

24           (3) Section 242 of title 18, United States Code.

1           (4) Section 210401 of the Violent Crime Con-  
2           trol and Law Enforcement Act of 1994 (34 U.S.C.  
3           12601).

4           (c) CLARIFICATION.—Subsection (a) shall not apply  
5           to any law (including any regulation) prohibiting public  
6           sexual conduct, forced or non-consensual sexual conduct,  
7           or sexual conduct with a minor.

8           **SEC. 4. RULES OF CONSTRUCTION.**

9           (a) IN GENERAL.—In interpreting the provisions of  
10          this Act, a court shall liberally construe such provisions  
11          to effectuate the purpose of ensuring the right of an adult  
12          to engage in private, non-commercial, consensual sexual  
13          conduct with another adult.

14          (b) OTHER LAWS.—Nothing in this Act shall be con-  
15          strued to invalidate, limit, or displace the rights, remedies,  
16          procedures, or legal standards available to individuals  
17          under Federal law, or to supersede State laws, that pro-  
18          vide protections against discrimination beyond those pro-  
19          vided in this Act.

20          (c) OTHER INDIVIDUALS CONSIDERED AS ACTING  
21          UNDER COLOR OF LAW.—Any person who, by operation  
22          of a provision of Federal or State law, is permitted to im-  
23          plement or enforce a limitation, prohibition, or require-  
24          ment that violates section 3 of this Act shall be considered  
25          as acting under color of law for purposes of this Act.

1 **SEC. 5. SEVERABILITY.**

2       If any provision of this Act, or the application of such  
3 provision to any person, entity, government, or cir-  
4 cumstance, is held to be unconstitutional, the remainder  
5 of this Act, or the application of such provision to all other  
6 persons, entities, governments, or circumstances, shall not  
7 be affected thereby.

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