

117TH CONGRESS
2D SESSION

S. 5252

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

IN THE SENATE OF THE UNITED STATES

DECEMBER 14, 2022

Mr. SCHATZ (for himself, Mr. BLUMENTHAL, Ms. HIRONO, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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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