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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**SB 22 - Criminal Law - Unnatural or Perverted Sexual Practice - Repeal**

**What SB 22 Accomplishes:**

- SB 22 repeals “Unnatural and Perverted Sexual Practices” in Maryland Criminal Code<sup>1</sup> (§ 3-322), an outdated, duplicative, and poorly defined sexual offense.
- SB 22 reduces stigmatization of the LGBTQ+ community by striking an unnecessary and offensive statute without creating loopholes for other sexual offenses that are covered by numerous other provisions in the criminal code.
- SB 22 ensures that individuals previously convicted using these repealed provisions who committed non-consensual acts, used force, abused minors, and committed sexual crimes against animals will not be permitted to expunge those convictions or to remove themselves from the sex offender registry in these cases.

**Why SB 22 Is Needed:**

- Maryland’s criminal code provisions prohibit some sexual activities that are consensual, private, and not commercial in nature, specifically, the provision that outlaws sexual activities termed “unnatural and perverted sexual practices.” (Section 3-322)
- Specifically, this section makes oral sex a criminal offense punishable by up to 10 years in prison.
- The provisions in this section have been ruled by the Supreme Court and Maryland Judiciary to be unconstitutional or otherwise unenforceable, except in cases involving a lack of consent or force, regardless of gender.<sup>2</sup>
- Prior legislation ([SB0735/HB0081](#), [CH0045](#), 2020) repealed sodomy from the criminal statute, but left the crime of “unnatural and perverted sexual practice” in code. (Note: The 2020 proposed legislation in the House, [HB0081](#) third reader, passed with 133 delegates in favor in, and included both the repeal of sodomy and unnatural and perverted sexual practices provisions.)

<sup>1</sup> [MD Code § 3-322](#)

<sup>2</sup> Lawrence v. Texas, 539 U.S. 558 (2003), Schochet v. State, 320 Md. 714 (1990), Williams v. State (1998)

- § 3-322 in Maryland criminal law is offensive LGBTQ+ community.
  - This charge has been predominantly applied to LGBTQ+ individuals, particularly gay men.<sup>3</sup>
  - It also contains outdated prohibitions pertaining to sexual abuse of animals, which were updated and expanded in the Aggravated Cruelty to Animals section of the code in 2019. (§10-606).<sup>4</sup>
- Numerous other provisions in criminal statute exist that are not offensive to LGBTQ+ Marylanders and capture a wide spectrum of sexual offenses that make § 3-322 obsolete.
  - Obsolete and duplicative code should be removed to maintain the integrity, effectiveness, and proper enforcement of the laws.
  - Maryland code should reflect the evolving needs, beliefs, and values of Maryland citizens over time.

**Supporters of this proposed repeal include:**

- Maryland Office of the Attorney General
- Maryland Coalition Against Sexual Assault (MCASA)
- Free State Justice
- The National LGBT Bar Association and Foundation
- Lambda Legal
- Women's Law Center of Maryland
- MetroDC PFLAG

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<sup>3</sup> [Washington Blade](#) (July 2021)

<sup>4</sup> [MD Code § 10-606](#)