

117TH CONGRESS  
2D SESSION

# H. R. 8394

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2022

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

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## 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.

