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

Mr. SCHATZ introduced the following bill; which was read twice and referred to the Committee on ________________

A BILL

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Right to Private Con-
duct Act of 2022”.
SEC. 2. PROTECTION OF THE RIGHT OF ADULTS TO ENGAGE IN PRIVATE, NON-COMMERCIAL, CONSENSUAL SEXUAL CONDUCT.

(a) IN GENERAL.—No person acting under color of law may prevent a person from engaging in private, non-commercial, consensual sexual conduct between adults.

(b) ENFORCEMENT.—For the purposes of violations under subsection (a), the enforcement mechanism provided for and available under the following shall apply:


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

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


(e) CONTINUED APPLICATION OF LAWS.—Nothing in this section shall be construed to invalidate or limit the rights, remedies, procedures, or legal standards available to individuals under Federal law, or to supersede State laws that provide additional protections against discrimination.

(d) CLARIFICATION.—Subsection (a) shall not apply to any law (including any regulation) prohibiting forced or non-consensual sexual conduct, or sexual conduct with a minor.
(e) CONSTITUTIONAL AUTHORITY.—Congress has the authority to enact this Act pursuant to the following:

(1) Congressional authority under section 5 of the Fourteenth Amendment to the Constitution of the United States to enforce the provisions of section 1 of the Fourteenth Amendment.

(2) Congressional authority under the Necessary and Proper Clause of section 8 of article I of the Constitution of the United States.

SEC. 3. RULES OF CONSTRUCTION.

(a) IN GENERAL.—In interpreting the provisions of this Act, a court shall liberally construe such provisions to effectuate the purpose of ensuring the right of a person to engage in private, non-commercial, consensual sexual conduct between adults.

(b) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to—

(1) authorize Federal, State, or local government to interfere with the right of adults to engage in private, non-commercial, consensual sexual conduct; or

(2) displace any other remedy for violations of the right of adults to engage in private, non-commercial, consensual sexual conduct.
(c) Other Individuals Considered as Government Officials.—Any person who, by operation of a provision of Federal or State law, is permitted to implement or enforce a limitation or requirement that violates section 2 of this Act shall be considered a government official for purposes of this Act.

SEC. 4. SEVERABILITY.

If any provision of this Act, or the application of such provision to any person, entity, government, or circumstance, is held to be unconstitutional, the remainder of this Act, or the application of such provision to all other persons, entities, governments, or circumstances, shall not be affected thereby.