

HOUSE No. 1640

The Commonwealth of Massachusetts

PRESENTED BY:

Jay D. Livingstone and Lindsay N. Sabadosa

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to archaic laws.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>1/18/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/18/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>1/31/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/31/2023</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>2/2/2023</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>2/2/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>3/7/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>3/16/2023</i>

HOUSE No. 1640

By Representatives Livingstone of Boston and Sabadosa of Northampton, a petition (accompanied by bill, House, No. 1640) of Jay D. Livingstone, Lindsay N. Sabadosa and others for legislation to repeal certain archaic laws and to establish a permanent law revision commission (including members of the General Court) to examine common laws and statutes. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to archaic laws.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 3 of the General Laws is hereby amended by adding the following
2 section:-

3 Section 76. (a) There shall be a permanent law revision commission to consist of: the
4 house and senate chairs of the joint committee on the judiciary, who shall serve as co-chairs; the
5 attorney general or a designee; the chief justice of the supreme judicial court or a designee; the
6 chief justice of the appeals court or a designee; 4 attorneys admitted to practice law in the
7 commonwealth, 1 of whom shall be appointed by the senate president, 1 of whom shall be
8 appointed by the speaker of the house of representatives, 1 of whom shall be appointed by the
9 senate minority leader and 1 of whom shall be appointed by the house minority leader; 1 person
10 appointed by the Massachusetts District Attorneys Association; 1 person appointed by the
11 committee for public counsel services; and 6 persons appointed by the governor, 4 of whom shall

12 be faculty members of accredited law schools in the commonwealth and 2 of whom shall be
13 admitted to practice law in the commonwealth.

14 (b) The counsel to the senate and the counsel to the house of representatives shall jointly
15 provide personnel necessary to coordinate the activities of the commission and assist the
16 commission in drafting legislative proposals, as requested.

17 (c) The appointed members of the commission shall serve staggered 4-year terms.
18 Vacancies in the membership of the commission shall be filled by the original appointing
19 authority for the balance of the unexpired term.

20 (d) The commission shall: (i) examine the common law and statutes of the
21 commonwealth and judicial decisions for the purpose of identifying defects and anachronisms in
22 the law and recommending needed reforms; (ii) receive and consider proposed changes in the
23 law recommended by the American Law Institute, the National Conference of Commissioners on
24 Uniform State Laws, any bar association and any other learned body; (iii) receive and consider
25 suggestions as to defects and anachronisms in the law from judges, justices, public officials,
26 lawyers and the public; (iv) recommend changes in the law that the commission considers
27 necessary to modify or eliminate antiquated and inequitable rules of law and to bring the law into
28 harmony with modern conditions; (v) recommend the express repeal of statutes repealed by
29 implication or held unconstitutional by a state or federal court; (vi) evaluate and make
30 recommendations on the consolidation of session laws into the general laws; and (vii) make
31 recommendations to improve the openness and accessibility of state laws, including the use of
32 open-source software tools.

33 (e) The commission shall meet not less than 4 times annually. At the close of each regular
34 session of the general court, the commission shall submit a report of its findings and
35 recommendations, including drafts of any proposed legislation, to the clerks of the house of
36 representatives and senate and the joint committee on the judiciary. The commission may also
37 submit other recommendations and legislative proposals to the joint committee on the judiciary.

38 SECTION 2. Section 20B of chapter 127 of the General Laws, as appearing in the 2020
39 Official Edition, is hereby amended by striking out, in line 41, the words “, 34 or 35”.

40 SECTION 3. Section 49 of said chapter 127, as so appearing, is hereby amended by
41 striking out, in line 11, the words “,34, or 35,”.

42 SECTION 4. Section 49B of said chapter 127, as so appearing, is hereby amended by
43 striking out, in lines 24 and 25, the words “, thirty-four, thirty-five”.

44 SECTION 5. Section 49C of said chapter 127, as so appearing, is hereby amended by
45 striking out, in lines 21 and 22, the words “, thirty-four, thirty-five,”.

46 SECTION 6. Section 143 of said chapter 127 is hereby repealed.

47 SECTION 7. Section 34 of chapter 272 of the General Laws is hereby repealed.

48 SECTION 8. Said chapter 272 is hereby further amended by striking out section 35, as
49 appearing in the 2020 Official Edition, and inserting in place thereof the following section:-

50 Section 35. Whoever commits a lewd and lascivious act with another person in public,
51 with the intent of public exposure or with reckless disregard of substantial risk of public
52 exposure, shall be punished by a fine of not more than \$200, by imprisonment in a jail or house
53 of correction for not more than 6 months or by both such fine and imprisonment.

54 SECTION 9. Section 53 of said chapter 272, as so appearing, is hereby amended by
55 striking out, in lines 1 and 2, the words “Common night walkers, common street walkers, both
56 male and female, persons” and inserting in place thereof the following word:- Persons.

57 SECTION 10. Section 62 of said chapter 272 is hereby repealed.

58 SECTION 11. Section 57 of chapter 276 of the General Laws, as appearing in the 2020
59 Official Edition, is hereby amended by striking out, in lines 123 and 124, the words “or section
60 thirty-four or thirty-five of chapter two hundred and seventy-two,”.

61 SECTION 12. Section 45 of chapter 277 of the General Laws is hereby repealed.

62 SECTION 13. Section 63 of said chapter 277, as appearing in the 2020 Official Edition,
63 is hereby amended by striking out, in line 29, the figures “, 34, 35”.

64 SECTION 14. Section 79 of said chapter 277, as so appearing, is hereby amended by
65 striking out, in lines 427 to 429, inclusive, the words “Sodomy, etc. (Under Chap. 272, Sec.
66 34.)—That A.B. did commit the abominable and detestable crime against nature with a (state the
67 person or beast).”.

68 SECTION 15. Said section 79 of said chapter 277, as so appearing, is hereby further
69 amended by striking out, in lines 444 and 445, the words “Unnatural act. (Under Chap. 272, Sec.
70 35.)—That A.B. did commit an unnatural and lascivious act with one C.D.”.

71 SECTION 16. The initial terms of the first appointed members of the law revision
72 commission shall be staggered so that: 1 attorney appointed by the speaker of the house of
73 representatives, 1 attorney appointed by the senate president, 1 attorney appointed by the senate
74 minority leader and 1 attorney appointed by the house minority leader and 2 persons appointed

75 of the governor serve terms of 4 years; 1 person appointed by the Massachusetts District
76 Attorneys Association, 1 person appointed by the committee for public counsel services and 2
77 persons appointed by the governor shall serve terms of 3 years; and 2 persons appointed by the
78 governor shall serve terms of 2 years.