

**JOINT COMMITTEE ON THE JUDICIARY  
BILL SUMMARY**

**BILL NO.** H1849

**TITLE:** An Act relative to archaic laws

**SPONSOR:** Rep. Jay Livingstone

**COSPONSORS:** Rep. Lindsay N. Sabadosa  
Rep. Marjorie C. Decker  
Rep. Erika Uyterhoeven

**HEARING DATE:** May 6, 2025

**PRIOR HISTORY:** 1640 (2023-2024)

**SENATE BILL:** S1034 (Brownsberger)

**CURRENT LAW:** Section 143 of Chapter 127 of the General Laws governs discharging nightwalkers.

Section 34 of Chapter 272 prohibits the abominable and detestable crime against nature, either with mankind or with a beast.

Section 35 of Chapter 272 prohibits the commission of any unnatural and lascivious act with another person.

**BILL SUMMARY:** Section 1 – Establishes a permanent law revision commission in Chapter 3 chaired by the chairs of the joint committee on the judiciary and including: (i) the attorney general or a designee; (ii) 4 attorneys admitted to practice law in the commonwealth, 1 appointed by the Senate President, 1 by the Speaker of the House and 1 each by the Minority Leaders of each chamber; (iii) 1 appointed by the Massachusetts District Attorneys Association; (iv) 1 appointed by the Committee for Public Counsel Services; and (v) 3 appointed by the governor, 1 a retired judge, 1 a law school faculty member and 1 a historian experienced in the laws of the commonwealth.

The commission is charged with: (i) examining the law of the commonwealth to identifying defects and recommend needed reforms; (ii) considering proposed changes in the law recommended by any learned body, judges, justices, public officials, lawyers and the public; (iii) recommending changes in

the law to eliminate antiquated and inequitable rules and bring the law into harmony with modern conditions including the repeal of statutes repealed by implication or held unconstitutional by a state or federal court and the consolidation of session laws into the general laws; and (vii) making recommendations to improve the openness and accessibility of state laws, including the use of open-source software tools.

Sections 2-7, 9, 14 and 16 – Make technical updates to remove references to sections repealed by the Act.

Section 8 – Repeals Section 143 of Chapter 127.

Section 10 – Repeals Section 34 of Chapter 272.

Section 11 – Strikes Section 35 of Chapter 272 and replaces it with language requiring that the person performing the lewd and lascivious act have an intent of public exposure or with reckless disregard of substantial risk of public exposure. Punishment is a fine up to \$200 or jail up to 6 months, or both.

Sections 12, 17, 18 and 19 – Remove references to common night walkers and street walkers, sodomy and unnatural and lascivious acts from other sections of the General laws.

Section 20 - Establishes when various members of the commission created in Section 1 of the Act will take their seats and staggers their term limits.