

SENATE No. 2551

The Commonwealth of Massachusetts

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

SENATE, January 16, 2024.

The committee on Senate Ways and Means to whom was referred the Senate Bill relative to archaic laws (Senate, No. 2457), - reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2551).

For the committee,
Michael J. Rodrigues

SENATE No. 2551

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**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 consisting of: the
4 chairs of the joint committee on the judiciary or their designees, who shall serve as co-chairs; the
5 attorney general or a designee; 4 attorneys admitted to practice law in the commonwealth, 1 of
6 whom shall be appointed by the senate president, 1 of whom shall be appointed by the speaker of
7 the house of representatives, 1 of whom shall be appointed by the minority leader of the senate
8 and 1 of whom shall be appointed by the minority leader of the house of representatives; 1
9 person appointed by the Massachusetts District Attorneys Association; 1 person appointed by the
10 committee for public counsel services; and 3 persons appointed by the governor, 1 of whom shall
11 be a retired judge, 1 of whom shall be a faculty member of an accredited law school in the
12 commonwealth and 1 of whom shall be a historian with expertise in the laws of the
13 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, statutes of the commonwealth
21 and judicial decisions for the purpose of identifying defects and anachronisms in the law and
22 recommending needed reforms; (ii) receive and consider proposed changes in the law
23 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 to modify or eliminate antiquated and
27 inequitable rules of law and to bring the law into harmony with modern conditions; (v)
28 recommend the express repeal of statutes repealed by implication or held unconstitutional by a
29 state or federal court; (vi) evaluate and make recommendations on the consolidation of session
30 laws into the General Laws; and (vii) make recommendations to improve the openness and
31 accessibility of state laws, including the use of open-source software tools.

32 (e) The commission shall meet not less than 4 times annually. At the close of each regular
33 session of the general court, the commission shall submit a report of its findings and
34 recommendations, including drafts of any proposed legislation, to the clerks of the senate and the

35 house of representatives, the house and senate committees on ways and means and the joint
36 committee on the judiciary.

37 SECTION 2. Section 20B of chapter 127 of the General Laws, as appearing in the 2022
38 Official Edition, is hereby amended by striking out, in line 41, the words “, 34 or 35”.

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

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

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

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

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

47 SECTION 8. Said chapter 272 is hereby further amended by striking out section 35, as
48 appearing in the 2022 Official Edition, and inserting in place thereof the following section:-

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

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

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

57 SECTION 11. Section 57 of chapter 276 of the General Laws, as appearing in the 2022
58 Official Edition, is hereby amended by striking out, in lines 123 and 124, the words “or section
59 thirty-four or thirty-five of chapter two hundred and seventy-two,”.

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

61 SECTION 13. Section 63 of said chapter 277, as appearing in the 2022 Official Edition,
62 is hereby amended by striking out, in line 29, the figures “, 34, 35”.

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

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

70 SECTION 16. The initial terms of the first members of the law revision commission shall
71 be staggered as follows: the attorney appointed by the speaker of the house of representatives,
72 attorney appointed by the senate president, attorney appointed by the minority leader of the
73 senate and attorney appointed by the minority leader of the house of representatives shall serve

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