

New York's Sodomy Law

New York law bans consensual acts between adults by first defining as "**deviate sexual intercourse**" *"sexual contact between persons not married to each other consisting of contact between the penis and the anus, the mouth and penis, or the mouth and the vulva."* It then establishes a law prohibiting **§ 130.38 Consensual sodomy** which is defines a person to be guilty when *"he engages in deviate sexual intercourse with another person."*

The New York Court of Appeals ruled that the **consensual sodomy** law was unconstitutional because it violated a right to privacy and failed to treat married and unmarried persons equally.

[People v. Onofree, 1980, 51 N.Y.2d 476, 434 N.Y.S.2d 947, 415 N.E.2d 936 cert. den. 101 S.Ct. 2323, 451 U.S. 987, 68 L.Ed.2d 845]

New York courts have ruled that statutes which criminalized "deviate" sexual intercourse between persons not married to each other, denied equal protection. They also determined that private, intimate, consensual sexual conduct not harmful to others, even if it violates the personal moral code of many, does not violate public morality and is protected by the right of privacy.

[re P., 1977, 92 Misc.2d 62, 400 N.Y. S.2d 455]

<http://www.sodomy.org/laws/newyork/>