

609.293 SODOMY.

Subdivision 1. **Definition.** "Sodomy" means carnally knowing any person by the anus or by or with the mouth.

Subd. 2. [Repealed, 1977 c 130 s 10]

Subd. 3. [Repealed, 1977 c 130 s 10]

Subd. 4. [Repealed, 1977 c 130 s 10]

Subd. 5. **Consensual acts.** Whoever, in cases not coming within the provisions of sections 609.342 or 609.344, voluntarily engages in or submits to an act of sodomy with another may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

History: 1967 c 507 s 4; 1977 c 130 s 4; 1984 c 628 art 3 s 11

NOTE: The Hennepin County District Court found section 609.293 unconstitutional as applied to private, noncommercial acts by consenting adults in *Doe v. Ventura*, No. 01-489 (4th Dist. Ct. Hennepin County, May 15, 2001). In *Devescovi v. Ventura*, 195 F. Supp. 2d 1146 (D. Minn. 2002), the United States District Court found that, since the decision was not appealed, the Hennepin County District Court decision is binding state law.