

HOUSE BILL NO. 1183

Introduced by

Representatives Boschee, Hanson, K. Koppelman, Maragos, M. Nelson, Roers Jones

Senators Armstrong, D. Larson, Nelson, Piepkorn

1 A BILL for an Act to amend and reenact section 12.1-20-12.1 of the North Dakota Century
2 Code, relating to indecent exposure toward minors; and to provide a penalty.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 12.1-20-12.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12.1-20-12.1. Indecent exposure.**

7 1. A person, with intent to arouse, appeal to, or gratify that person's lust, passions, or
8 sexual desires, is guilty of a class A misdemeanor if that person:

9 a. Masturbates in a public place or in the presence of a minor; or

10 b. Exposes one's penis, vulva, or anus in a public place; or to a minor in a public or
11 private place; or

12 c. Exposes one's penis, vulva, or anus to a minor in a public or private place, or by
13 unsolicited electronic means or by electronic means to a minor. Electronic means
14 include images and pictures transmitted via electronic mail, electronic
15 messaging, or from an electronic communications device.

16 2. A person is guilty of a class C felony if the person violates subsection 1 after a
17 previous conviction for violating subsection 1, after a previous conviction for violating
18 section 12.1-20-12.2, or after being required to register under section 12.1-32-15.

19 3. A person who commits a violation of subdivision a or b of subsection 1 within fifty feet
20 [15.24 meters] of or on the real property comprising a public or nonpublic elementary,
21 middle, or high school is guilty of a class C felony. A person who commits a violation of
22 subsection 2 within fifty feet [15.24 meters] of or on the real property comprising a
23 public or nonpublic elementary, middle, or high school is guilty of a class B felony.

24 4. The act of a woman discreetly breastfeeding her child is not a violation of this section.