Sixty-sixth Legislative Assembly of North Dakota

HOUSE BILL NO. 1330

Introduced by

Representatives Dobervich, P. Anderson, Buffalo, Hager, Hanson, Mitskog, O'Brien, Pyle, Schneider

Senators Hogan, Mathern, Oban

- 1 A BILL for an Act to amend and reenact sections 12.1-20-12.1 and 23-12-16 of the North
- 2 Dakota Century Code, relating to breastfeeding; 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. <u>A personAn individual</u>, with intent to arouse, appeal to, or gratify that
- 8 person'sindividual's lust, passions, or sexual desires, is guilty of a class A
- 9 misdemeanor if that personindividual:
- 10 a. Masturbates in a public place or in the presence of a minor;
- b. Exposes one'sthe individual's penis, vulva, or anus in a public place or to a minor
 in a public or private place;
- 13 c. Exposes one'sthe individual's penis, vulva, or anus by unsolicited electronic
 14 means; or
- 15 d. Exposes one'sthe individual's penis, vulva, or anus by any electronic means to a
 16 minor.
- A person<u>An individual</u> is guilty of a class C felony if the person<u>individual</u> violates
 subsection 1 after a previous conviction for violating subsection 1, after a previous
 conviction for violating section 12.1-20-12.2, or after being required to register under
 section 12.1-32-15.
- A person<u>An individual</u> who commits a violation of subdivision a or b of subsection 1
 within fifty feet [15.24 meters] of or on the real property comprising a public or
 nonpublic elementary, middle, or high school is guilty of a class C felony. <u>A personAn</u>

- 1 <u>individual</u> who commits a violation of subsection 2 within fifty feet [15.24 meters] of or
- 2 on the real property comprising a public or nonpublic elementary, middle, or high
 3 school is guilty of a class B felony.
- 4. The act of a woman discreetlyan individual breastfeeding her child is not a violation of
 5 this section.
- 6 5. As used in this section, "electronic means" includes images and pictures transmitted
 7 via electronic mail, electronic messaging, or from an electronic communications
 8 device.
- 9 SECTION 2. AMENDMENT. Section 23-12-16 of the North Dakota Century Code is
- 10 amended and reenacted as follows:

11 23-12-16. Right to breastfeed <u>- Penalty</u>.

- 12 If the woman acts in a discreet and modest manner, a womanAn individual may breastfeed
- 13 her child in any location, public or private, where the womanthe individual and child are
- 14 otherwise authorized to be. It is an infraction to prohibit or attempt to prohibit an individual from
- 15 <u>breastfeeding as authorized under this section.</u>