

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED 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, subsection 2 of section
2 12.1-20-12.2, and subsection 4 of section 12.1-27.2-01 of the North Dakota Century Code,
3 relating to indecent exposure toward minors, surreptitious intrusion, and sexual performances
4 by children; and to provide a penalty.

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

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

8 **12.1-20-12.1. Indecent exposure.**

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

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

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

14 c. Exposes one's penis, vulva, or anus by unsolicited electronic means; or

15 d. Exposes one's penis, vulva, or anus by any electronic means to a minor.

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.

1 5. As used in this section, "electronic means" includes images and picture transmitted via
2 electronic mail, electronic messaging, or from an electronic communications device.

3 **SECTION 2. AMENDMENT.** Subsection 2 of section 12.1-20-12.2 of the North Dakota
4 Century Code is amended and reenacted as follows:

5 2. A person is guilty of a class C felony if the person violates subsection 1 after a
6 previous conviction for violating subsection 1, after a previous conviction for violating
7 section 12.1-20-12.1, ~~or~~ after being required to register under section 12.1-32-15, or if
8 the victim is a minor.

9 **SECTION 3. AMENDMENT.** Subsection 4 of section 12.1-27.2-01 of the North Dakota
10 Century Code is amended and reenacted as follows:

11 4. "Sexual conduct" means actual or simulated ~~sexual intercourse, sodomy, sexual~~
12 ~~bestiality, masturbation, sadomasochistic abuse, or lewd exhibition of the buttocks,~~
13 ~~breasts, or genitals, including the further definitions of sodomy and sadomasochistic~~
14 ~~abuse under section 12.1-27.1-01.;~~

15 a. Sexual intercourse;

16 b. Sodomy, as defined under section 12.1-27.1-01;

17 c. Sexual bestiality;

18 d. Masturbation;

19 e. Sadomasochistic abuse, as defined under section 12.1-27.1-01;

20 f. Lewd exhibition of the buttocks, breasts, or genitals;

21 g. Nude or partially denuded human figure, as defined in section 12.1-27.1-03.1, if
22 depicted for the purpose of the sexual stimulation or the sexual gratification of
23 any individual who may view such depiction; or

24 h. Physical contact with a person's clothed or unclothed genitals, pubic area,
25 buttocks, or breasts. It is not necessary that the minor know that he or she is
26 participating in the described conduct, or any aspect of it.