

HOUSE BILL NO. 1105

Introduced by

Representatives Dobervich, P. Anderson, Buffalo, Hanson, Pyle

Senators Bakke, Heckaman, 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. ~~A person~~An individual, with intent to arouse, appeal to, or gratify that
8 ~~person's~~individual's lust, passions, or sexual desires, is guilty of a class A
9 misdemeanor if that ~~person~~individual:
- 10 a. Masturbates in a public place or in the presence of a minor;
11 b. Exposes ~~one's~~the individual's penis, vulva, or anus in a public place or to a minor
12 in a public or private place;
13 c. Exposes ~~one's~~the individual's penis, vulva, or anus by unsolicited electronic
14 means; or
15 d. Exposes ~~one's~~the individual's penis, vulva, or anus by any electronic means to a
16 minor.
- 17 2. ~~A person~~An individual is guilty of a class C felony if the ~~person~~individual violates
18 subsection 1 after a previous conviction for violating subsection 1, after a previous
19 conviction for violating section 12.1-20-12.2, or after being required to register under
20 section 12.1-32-15.
- 21 3. ~~A person~~An individual who commits a violation of subdivision a or b of subsection 1
22 within fifty feet [15.24 meters] of or on the real property comprising a public or
23 nonpublic elementary, middle, or high school is guilty of a class C felony. ~~A person~~An
24 individual who commits a violation of subsection 2 within fifty feet [15.24 meters] of or

1 on the real property comprising a public or nonpublic elementary, middle, or high
2 school is guilty of a class B felony.

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

4 5. As used in this section, "electronic means" includes images and pictures transmitted
5 via electronic mail, electronic messaging, or from an electronic communications
6 device.

7 **SECTION 2. AMENDMENT.** Section 23-12-16 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **23-12-16. Right to breastfeed - Penalty.**

10 ~~If the woman acts in a discreet and modest manner, a woman~~An individual may breastfeed
11 her child in any location, public or private, ~~where the woman~~the individual and child are
12 otherwise authorized to be. Any person that prohibits or attempts to prohibit an individual from
13 breastfeeding her child, as authorized under this section, is guilty of an infraction.