

**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~~<sup>A</sup> woman~~An individual~~ may  
11          breastfeed her child in any location, public or private, ~~where the woman~~<sup>the individual</sup> and child  
12          are otherwise authorized to be. ~~Any person that prohibits or attempts to prohibit an individual~~  
13          ~~from breastfeeding her child, as authorized under this section, is guilty of an infraction.~~