

Introduced by

Senators Nething, Espegard, Krebsbach

Representatives Galvin, N. Johnson, Weiler

1 A BILL for an Act to amend and reenact sections 12.1-20-12.1 and 42-01-01 of the North
2 Dakota Century Code, relating to exempting the act of breastfeeding from certain offenses.

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
5 is 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
11 or private place.
- 12 2. A person is guilty of a class C felony if the person violates subsection 1 after a
13 previous conviction for violating subsection 1, after a previous conviction for
14 violating section 12.1-20-12.2, or after being required to register under section
15 12.1-32-15.
- 16 3. The act of a woman breastfeeding her child is not a violation of this section.

17 **SECTION 2. AMENDMENT.** Section 42-01-01 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **42-01-01. Nuisance - Definition.**

- 20 1. A nuisance consists in unlawfully doing an act or omitting to perform a duty, which
21 act or omission:
- 22 ~~4.~~ a. Annoys, injures, or endangers the comfort, repose, health, or safety of others;
 - 23 ~~2.~~ b. Offends decency;

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- 1 3- c. Unlawfully interferes with, obstructs or tends to obstruct, or renders
- 2 dangerous for passage, any lake, navigable river, bay, stream, canal, basin,
- 3 public park, square, street, or highway; or
- 4 4- d. In any way renders other persons insecure in life or in the use of property.
- 5 2. Nuisance does not include the act of a woman breastfeeding her child.