

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~~^A woman~~An individual~~ may
11 breastfeed her child in any location, public or private, ~~where the woman~~^{the individual} 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.~~