

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1105
(Representatives Dobervich, P. Anderson, Buffalo, Hanson, Pyle)
(Senators Bakke, Heckaman, Hogan, Mathern, Oban)

AN ACT to amend and reenact sections 12.1-20-12.1 and 23-12-16 of the North Dakota Century Code, relating to breastfeeding; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

12.1-20-12.1. Indecent exposure.

1. ~~A person~~An individual, with intent to arouse, appeal to, or gratify that ~~person's~~individual's lust, passions, or sexual desires, is guilty of a class A misdemeanor if that ~~person~~individual:
 - a. Masturbates in a public place or in the presence of a minor;
 - b. Exposes ~~one's~~the individual's penis, vulva, or anus in a public place or to a minor in a public or private place;
 - c. Exposes ~~one's~~the individual's penis, vulva, or anus by unsolicited electronic means; or
 - d. Exposes ~~one's~~the individual's penis, vulva, or anus by any electronic means to a minor.
2. ~~A person~~An individual is guilty of a class C felony if the ~~person~~individual violates subsection 1 after a previous conviction for violating subsection 1, after a previous conviction for violating section 12.1-20-12.2, or after being required to register under section 12.1-32-15.
3. ~~A person~~An individual who commits a violation of subdivision a or b of subsection 1 within fifty feet [15.24 meters] of or on the real property comprising a public or nonpublic elementary, middle, or high school is guilty of a class C felony. ~~A person~~An individual who commits a violation of subsection 2 within fifty feet [15.24 meters] of or on the real property comprising a public or nonpublic elementary, middle, or high school is guilty of a class B felony.
4. ~~The act of a woman discreetly breastfeeding her child is not a violation of this section.~~
5. As used in this section, "electronic means" includes images and pictures transmitted via electronic mail, electronic messaging, or from an electronic communications device.

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

23-12-16. Right to breastfeed.

~~If the woman acts in a discreet and modest manner,~~ A woman may breastfeed her child in any location, public or private, where the woman and child are otherwise authorized to be.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1105.

House Vote: Yeas 83 Nays 11 Absent 0

Senate Vote: Yeas 47 Nays 0 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2021.

Approved at _____ M. on _____, 2021.

Governor

Filed in this office this _____ day of _____, 2021,

at _____ o'clock _____ M.

Secretary of State