

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

1

SENATE BILL 776

Short Title: Amend Indecent Exposure Law. (Public)

Sponsors: Senators Snow; Apodaca, Atwater, Berger of Franklin, Blake, Boseman, Brock, Cowell, Dalton, East, Garrou, Goodall, Graham, Holloman, Hunt, Kerr, Kinnaird, Nesbitt, Presnell, Purcell, Rand, Smith, Stevens, Swindell, Thomas, Tillman, and Weinstein.

Referred to: Judiciary II.

March 22, 2005

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE INDECENT EXPOSURE LAW TO APPLY TO
2 INDECENT EXPOSURE TO PERSONS OF THE SAME SEX WITH GREATER
3 PENALTIES FOR INDECENT EXPOSURE TO PERSONS UNDER AGE
4 SIXTEEN.
5

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 14-190.9 reads as rewritten:

8 "**§ 14-190.9. Indecent exposure.**

9 (a) ~~Any~~ Unless the conduct is punishable under subsection (a1) of this section,
10 any person who shall willfully expose the private parts of his or her person in any public
11 place and in the presence of any other person or persons, ~~of the opposite sex, except for~~
12 any place provided or set apart for that purpose, or aids or abets in any such act, or who
13 procures another to perform such act; or any person, who as owner, manager, lessee,
14 director, promoter or agent, or in any other capacity knowingly hires, leases or permits
15 the land, building, or premises of which he is owner, lessee or tenant, or over which he
16 has control, to be used for purposes of any such act, shall be guilty of a Class 2
17 misdemeanor.

18 (a1) Unless the conduct is prohibited by another law providing greater
19 punishment, any person at least 18 years of age who shall willfully expose the private
20 parts of his or her person in any public place in the presence of any other person less
21 than 16 years of age for the purpose of arousing or gratifying sexual desire shall be
22 guilty of a Class H felony. An offense committed under this subsection shall not be
23 considered to be a lesser included offense under G.S. 14-202.1.

24 (b) Notwithstanding any other provision of law, a woman may breast feed in any
25 public or private location where she is otherwise authorized to be, irrespective of

1 whether the nipple of the mother's breast is uncovered during or incidental to the breast
2 feeding.

3 (c) Notwithstanding any other provision of law, a local government may regulate
4 the location and operation of sexually oriented businesses. Such local regulation may
5 restrict or prohibit nude, seminude, or topless dancing to the extent consistent with the
6 constitutional protection afforded free speech."

7 **SECTION 2.** This act becomes effective December 1, 2005, and applies to
8 offenses committed on or after that date.