

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 776
Judiciary II Committee Substitute Adopted 5/10/05

Short Title: Amend Indecent Exposure Law.

(Public)

Sponsors:

Referred to:

March 22, 2005

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

"§ 14-190.9. Indecent exposure.

(a) ~~Any~~ Unless the conduct is punishable under subsection (a1) of this section,
any person who shall willfully expose the private parts of his or her person in any public
place and in the presence of any other person or persons, of the opposite sex, except for
those places designated for a public purpose where the same sex exposure is incidental
to a necessary activity, or aids or abets in any such act, or who procures another to
perform such act; or any person, who as owner, manager, lessee, director, promoter or
agent, or in any other capacity knowingly hires, leases or permits the land, building, or
premises of which he is owner, lessee or tenant, or over which he has control, to be used
for purposes of any such act, shall be guilty of a Class 2 misdemeanor.

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

(b) Notwithstanding any other provision of law, a woman may breast feed in any
public or private location where she is otherwise authorized to be, irrespective of
whether the nipple of the mother's breast is uncovered during or incidental to the breast
feeding.

(c) Notwithstanding any other provision of law, a local government may regulate
the location and operation of sexually oriented businesses. Such local regulation may

- 1 restrict or prohibit nude, seminude, or topless dancing to the extent consistent with the
2 constitutional protection afforded free speech."
3 **SECTION 2.** This act becomes effective December 1, 2005, and applies to
4 offenses committed on or after that date.