

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 776
Judiciary II Committee Substitute Adopted 5/10/05
Third Edition Engrossed 5/12/05

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, AND TO REQUIRE SEX OFFENDER REGISTRATION UPON FELONY CONVICTION.

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.

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

5 **SECTION 2.** G.S. 14-208.6(5) reads as rewritten:

6 "(5) "Sexually violent offense" means a violation of G.S. 14-27.2 (first degree
7 rape), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first degree sexual offense),
8 G.S. 14-27.5 (second degree sexual offense), G.S. 14-27.6 (attempted rape or sexual
9 offense), G.S. 14-27.7 (intercourse and sexual offense with certain victims), G.S.
10 14-178 (incest between near relatives), G.S. 14-190.6 (employing or permitting minor to
11 assist in offenses against public morality and decency), G.S. 14-190.16 (first degree
12 sexual exploitation of a minor), G.S. 14-190.17 (second degree sexual exploitation of a
13 minor), G.S. 14-190.17A (third degree sexual exploitation of a minor), G.S. 14-190.18
14 (promoting prostitution of a minor), G.S. 14-190.19 (participating in the prostitution of
15 a minor), ~~or~~ G.S. 14-202.1 (taking indecent liberties with children), or G.S. 14-
16 190.9(a1) (felonious indecent exposure). The term also includes the following: a
17 solicitation or conspiracy to commit any of these offenses; aiding and abetting any of
18 these offenses."

19 **SECTION 3.** This act becomes effective December 1, 2005, and applies to
20 offenses committed on or after that date.