

HOUSE BILL NO. 1330

Introduced by

Representatives Dobervich, P. Anderson, Buffalo, Hager, Hanson, Mitskog, O'Brien, Pyle,
Schneider

Senators 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

1 individual who commits a violation of subsection 2 within fifty feet [15.24 meters] of or
2 on the real property comprising a public or nonpublic elementary, middle, or high
3 school is guilty of a class B felony.

4 4. The act of ~~a woman discreetly~~ an individual breastfeeding her child is not a violation of
5 this section.

6 5. As used in this section, "electronic means" includes images and pictures transmitted
7 via electronic mail, electronic messaging, or from an electronic communications
8 device.

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

11 **23-12-16. Right to breastfeed - Penalty.**

12 ~~If the woman acts in a discreet and modest manner, a woman~~ An individual may breastfeed
13 her child in any location, public or private, ~~where the woman~~ the individual and child are
14 otherwise authorized to be. It is an infraction to prohibit or attempt to prohibit an individual from
15 breastfeeding as authorized under this section.