

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

**H.B. 34**  
**Jan 31, 2013**  
**HOUSE PRINCIPAL CLERK**

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HOUSE DRH50000-RK-2 (09/14)

Short Title: Clarify Indecent Exposure Law. (Public)

Sponsors: Representatives R. Brown and Moffitt (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO CLARIFY THE OFFENSE OF INDECENT EXPOSURE.  
3 The General Assembly of North Carolina enacts:

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

5 "**§ 14-190.9. Indecent exposure.**

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

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

20 (a2) For the purposes of this section, the term "private parts" means external organs of  
21 sex and of excretion, including the nipple, or any portion of the areola, of the human female  
22 breast.

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

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

31 **SECTION 2.** This act is effective when it becomes law.

