

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 270

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO INDECENT EXPOSURE; AMENDING SECTION 18-4116, IDAHO CODE, TO
2 REVISE PROVISIONS REGARDING INDECENT EXPOSURE; AND DECLARING AN EMER-
3 GENCY.
4

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 18-4116, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 18-4116. INDECENT EXPOSURE. (1) ~~Every~~ A person is guilty of a misde-
9 meanor if the person who willfully and lewdly, either:

10 ~~(1) (a)~~ Exposes his or her genitals; exposes developed female breasts,
11 including the areola and nipple; exposes adult male breasts, including
12 the areola and nipple, that have been medically or hormonally altered to
13 appear like developing or developed female breasts; exposes artificial
14 breasts, including the areola and nipple, intended to resemble female
15 breasts; or displays toys or products intended to resemble male or fe-
16 male genitals in any public place, or in any place where there is present
17 another person or persons who are offended or annoyed thereby; or

18 ~~(2) (b)~~ Procures, counsels, or assists any person so to expose his or
19 her genitals; to expose developed female breasts, including the areola
20 and nipple; to expose adult male breasts, including the areola and nip-
21 ple, that have been medically or hormonally altered to appear like de-
22 veloping or developed female breasts; to expose artificial breasts, in-
23 cluding the areola and nipple, intended to resemble female breasts; or
24 to display toys or products intended to resemble male or female genitals
25 where there is present another person or persons who are offended or an-
26 noyed thereby is guilty of a misdemeanor.

27 (2) Any person who pleads guilty to or is found guilty of a violation of
28 subsection (1) ~~or (2)~~ of this section or a similar statute in another state
29 or any local jurisdiction for a ~~second~~ third time within five (5) years,
30 notwithstanding the form of the judgment(s) or withheld judgment(s), is
31 guilty of a felony and ~~shall~~ may be imprisoned in the state prison for a pe-
32 riod not to exceed ~~ten (10)~~ five (5) years.

33 (3) The provisions of this section shall not apply to the breastfeed-
34 ing of a child or the expression of breast milk for the purpose of feeding a
35 child.

36 SECTION 2. An emergency existing therefor, which emergency is hereby
37 declared to exist, this act shall be in full force and effect on and after its
38 passage and approval.