

## **Nudity and Public Decency Laws in America**

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**In recent years, incidences of public nudity have increased. In some instances, this is innocent fun, like ritual moonings in Orange County, California, and worldwide naked bike riding events.**

In other instances, it may be less innocent, like those who expose themselves for sexual gratification against the will of others.

And, of course, somewhere in the middle exists things like the infamous Girls Gone Wild videos or the public flashing at events like Mardi Gras, concerts, or motorcycle events.

### **So what are the laws affecting public nudity?**

Generally, in America, nudity is against the law in public places. Moreover, nudity is also generally illegal on a person's own property if the nude person is visible to the public, such as through an open window or sunbathing nude in someone's yard. While most state laws are clear about nudity around children and nudity meant to arouse, some other wording is vague and violations often are a matter of community standards for indecency. Of course, in some situations, these laws may conflict with constitutional protections for freedom of expression, particularly if the nudity is part of an artistic performance or political demonstration.

Following is a state-by-state synopsis of nudity laws. Some more obvious laws have been omitted for the sake of brevity, and common sense should be employed (e.g., nudity on school grounds or around children who are not your own will likely never be legal).

There are no federal laws either for or against nudity, except to the extent that it may be protected under the First Amendment right to freedom of expression. Local laws will take precedence when the question of nudity relates to federal lands, such as federal parks, beaches, and other facilities.

In some states there are public lands where nudity is allowed or simply tolerated. There are also private facilities where nudity is allowed in almost every state, with the usual requirement being that the nudity must simply not be observable from outside, public areas.

New York, Hawaii, Maine, Ohio, and Texas are unique in that they each have laws expressly allowing women to go topless in any location where men could do so legally.

## **ALABAMA**

### **\* Section 13A-6-68 Indecent exposure.**

(a) A person commits the crime of indecent exposure if, with intent to arouse or gratify sexual desire of himself or of any person other than his spouse, he exposes his genitals under circumstances in which he knows his conduct is likely to cause affront or alarm in any public place or on the private premises of another or so near thereto as to be seen from such private premises.

(b) Indecent exposure is a Class A misdemeanor.

### **\* Section 13A-12-130 – Public lewdness.**

(a) A person commits the crime of public lewdness if:

(1) He exposes his anus or genitals in a public place and is reckless about whether another may be present who will be offended or alarmed by his act; or

(2) He does any lewd act in a public place which he knows is likely to be observed by others who would be affronted or alarmed.

(b) Public lewdness is a Class C misdemeanor.

\*Conviction of indecent exposure requires registering as a sex offender.

## **ALASKA**

### **\* Sec. 11.41.460. Indecent exposure in the second degree.**

(a) An offender commits the crime of indecent exposure in the second degree if the offender knowingly exposes the offender's genitals in the presence of another person with reckless disregard for the offensive, insulting, or frightening effect the act may have.

(b) Indecent exposure in the second degree before a person under 16 years of age is a class A misdemeanor. Indecent exposure in the second degree before a person 16 years of age or older is a class B misdemeanor.

## ARIZONA

### \* 13-1402. Indecent exposure; classifications

A. A person commits indecent exposure if he or she exposes his or her genitals or anus or she exposes the areola or nipple of her breast or breasts and another person is present, and the defendant is reckless about whether the other person, as a reasonable person, would be offended or alarmed by the act.

B. Indecent exposure does not include an act of breast-feeding by a mother.

C. Indecent exposure to a person who is fifteen or more years of age is a class 1 misdemeanor. Indecent exposure to a person who is under fifteen years of age is a class 6 felony.

## ARKANSAS

### \* § 5-14-112. Indecent exposure.

(a)

(1) A person commits indecent exposure if, with purpose to arouse or gratify the sexual desire of himself or of any other person, he exposes his sex organs:

(A) In a public place or public view; or

(B) Under circumstances in which he knows his conduct is likely to cause affront or alarm.

(2) Indecent exposure is a Class A misdemeanor.

(b)

(1) A person commits indecent exposure to a person under the age of twelve (12) years if, with the purpose to arouse or gratify the sexual desire of himself or of any other person he purposefully exposes his sex organs to a person under the age of twelve (12) years.

(2) Indecent exposure to a person the age of twelve (12) years and under is a Class D felony.

\* Arkansas is one of the most restrictive jurisdictions as far as nudity is concerned. In fact, any exposure is technically illegal to anyone other than a doctor, nurse, or spouse. It is also illegal to "advocate, demonstrate, or promote" nudity (a fact which may face

First Amendment challenge). Fines vary by location, but conviction could require registering as a sex offender.

## **CALIFORNIA**

### **\* SECTION 314.**

Every person who willfully and lewdly, either: 1. Exposes his person, or the private parts thereof, in any public place, or in any place where there are present other persons to be offended or annoyed thereby; or, 2. Procures, counsels, or assists any person so to expose himself or take part in any model artist exhibition, or to make any other exhibition of himself to public view, or the view of any number of persons, such as is offensive to decency, or is adapted to excite to or thoughts or acts, is guilty of a misdemeanor.

\* In 2006 a letter to a California attorney from the Los Angeles Sheriff's Department stated that "hiking in the forest, in the nude, is not a violation of the law."

\* There is also the Cahill Policy which states "it shall be the policy of the Department that enforcement of nude sunbathing regulations within the State Park System shall be made only upon the complaint of a private citizen. Citations or arrests shall be made only after attempts are made to elicit voluntary compliance with the regulations."

\* There are many nude beaches and resorts in California, but local ordinances vary for nudity on public beaches.

## **COLORADO**

### **\* 18-7-301. Public indecency.**

(1) Any person who performs any of the following in a public place or where the conduct may reasonably be expected to be viewed by members of the public commits public indecency:

(a) An act of sexual intercourse; or

(b) An act of deviate sexual intercourse; or

(c) A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of any person; or

(d) A lewd fondling or caress of the body of another person.

(2) Public indecency is a class 1 petty offense.

\* The plain language of this offense reflects the general assembly's intent to make public indecency a strict liability crime without a culpable mental state. Because this section

makes it a crime to perform any of the stated acts where the conduct may reasonably be expected to be viewed by members of the public, it does not matter whether the defendant knew he was in a public place. The objective standard depends on what a reasonable person in the defendant's position should have known. Therefore, the trial court did not err in rejecting a jury instruction that would have required the jury to find the defendant knew he was in a public place. *People v. Hoskay*, 87 P.3d 194 (Colo. App. 2003).

**\* 18-7-302 – Indecent exposure.**

(1) A person commits indecent exposure if he knowingly exposes his genitals to the view of any person under circumstances in which such conduct is likely to cause affront or alarm to the other person.

(2)

(a) (Deleted by amendment, L. 2003, p. 1435, § 31, effective July 1, 2003.)

(b) Indecent exposure is a class 1 misdemeanor.

(4) Indecent exposure is a class 6 felony if the violation is committed subsequent to two prior convictions of a violation of this section or of a violation of a comparable offense in any other state or in the United States, or of a violation of a comparable municipal ordinance.

## CONNECTICUT

**\* § 53a-186. Public indecency: Class B misdemeanor.**

(a) A person is guilty of public indecency when he performs any of the following acts in a public place:

(1) An act of sexual intercourse as defined in subdivision (2) of section 53a-65; or

(2) a lewd exposure of the body with intent to arouse or to satisfy the sexual desire of the person; or

(3) a lewd fondling or caress of the body of another person.

For the purposes of this section, "public place" means any place where the conduct may reasonably be expected to be viewed by others.

(b) Public indecency is a class B misdemeanor.

## **DELAWARE**

### **\* TITLE 11 § 764. Indecent exposure in the second degree; unclassified misdemeanor.**

(a) A male is guilty of indecent exposure in the second degree if he exposes his genitals or buttocks under circumstances in which he knows his conduct is likely to cause affront or alarm to another person.

(b) A female is guilty of indecent exposure in the second degree if she exposes her genitals, breast or buttocks under circumstances in which she knows her conduct is likely to cause affront or alarm to another person.

Indecent exposure in the second degree is an unclassified misdemeanor.

## **FLORIDA**

### **\* 800.03 Exposure of sexual organs.**

It is unlawful to expose or exhibit one's sexual organs in public or on the private premises of another, or so near thereto as to be seen from such private premises, in a vulgar or indecent manner, or to be naked in public except in any place provided or set apart for that purpose. Violation of this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A mother's breastfeeding of her baby does not under any circumstance violate this section.

### **\* 877.03 Breach of the peace; disorderly conduct.**

Whoever commits such acts as are of a nature to corrupt the public morals, or outrage the sense of public decency, or affect the peace and quiet of persons who may witness them, or engages in brawling or fighting, or engages in such conduct as to constitute a breach of the peace or disorderly conduct, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

\* The state law in Florida makes nudity illegal only if the nudity is "vulgar or indecent," but being naked on your property where you can be seen by the neighbors is still against the law.

\* There are nude resorts and beaches in Florida though some of the beaches are "unofficial" clothing optional spots so be aware of local ordinances.

\* Note that Brevard County has an anti-nudity ordinance. Cape Canaveral, Cocoa Beach, and Titusville are in Brevard County.

## **GEORGIA**

### **\* § 16-6-8. Public indecency.**

(a) A person commits the offense of public indecency when he or she performs any of the following acts in a public place:

- (1) An act of sexual intercourse;
- (2) A lewd exposure of the sexual organs;
- (3) A lewd appearance in a state of partial or complete nudity; or
- (4) A lewd caress or indecent fondling of the body of another person.

(b) A person convicted of the offense of public indecency as provided in subsection (a) of this Code section shall be punished as for a misdemeanor except as provided in subsection (c) of this Code section.

(c) Upon a third or subsequent conviction for public indecency for the violation of paragraph (2), (3), or (4) of subsection (a) of this Code section, a person shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than five years.

(d) For the purposes of this Code section only, "public place" shall include jails and penal and correctional institutions of the state and its political subdivisions.

(e) This Code section shall be cumulative to and shall not prohibit the enactment of any other general and local laws, rules, and regulations of state and local authorities or agencies and local ordinances prohibiting such activities which are more restrictive than this Code section.

## **HAWAII**

### **\* §707-733 Sexual assault in the fourth degree.**

(1) A person commits the offense of sexual assault in the fourth degree if:

- (a) The person knowingly subjects another person to sexual contact by compulsion or causes another person to have sexual contact with the actor by compulsion;
- (b) The person knowingly exposes the person's genitals to another person under circumstances in which the actor's conduct is likely to alarm the other person or put the other person in fear of bodily injury; or

(c) The person knowingly trespasses on property for the purpose of subjecting another person to surreptitious surveillance for the sexual gratification of the actor.

(2) Sexual assault in the fourth degree is a misdemeanor.

**\* §707-734 Indecent exposure.**

(1) A person commits the offense of indecent exposure if, the person intentionally exposes the person's genitals to a person to whom the person is not married under circumstances in which the actor's conduct is likely to cause affront.

(2) Indecent exposure is a petty misdemeanor.

**\* Hawaii State Parks: 13-146-38 Swimming; nudity.**

(a) A person may swim or bathe except in waters and at times where these activities are prohibited in the interest of public health or safety. These waters shall be designated by posting of appropriate signs. No person shall bathe, swim, walk, sunbathe, or remain on the premises in the nude, or take outdoor showers in the nude, except for bathing or changing clothes within enclosed facilities provided for those purposes or for the exposed breast of a nursing mother in the act of breastfeeding an infant.

**\* US Federal Nudity Law**

Specific to Kaloko-Honokohau National Historical Park: Public nudity, including nude bathing, by any person on Federal land or water within the boundaries of Kaloko-Honokohau National Historical Park is prohibited. This section does not apply to a person under 10 years of age.

## **IDAHO**

**\* 18-4116. Indecent Exposure.**

Every person who willfully and lewdly, either:

(1) Exposes his or her genitals, in any public place, or in any place where there is present another person or persons who are offended or annoyed thereby; or,

(2) Procures, counsels, or assists any person so to expose his or her genitals, where there is present another person or persons who are offended or annoyed thereby is guilty of a misdemeanor.

\* Any person who pleads guilty to or is found guilty of a violation of subsection (1) or (2) of this section or a similar statute in another state or any local jurisdiction for a second



time within five (5) years, notwithstanding the form of the judgment(s) or withheld judgment(s), is guilty of a felony.

## ILLINOIS

### \* Sec. 11-9. Public Indecency.

(a) Any person of the age of 17 years and upwards who performs any of the following acts in a public place commits a public indecency:

- (1) An act of sexual penetration or sexual conduct as defined in Section 12-12 of this Code; or
- (2) A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the person.

Breast-feeding of infants is not an act of public indecency.

(b) "Public place" for purposes of this Section means any place where the conduct may reasonably be expected to be viewed by others.

(c) Sentence. Public indecency is a Class A misdemeanor. A person convicted of a third or subsequent violation for public indecency is guilty of a Class 4 felony.

\* While nude bathing has been going on at several beaches in the Chicago area for years it is tolerated rather than allowed.

## INDIANA

### \* Public indecency

Sec. 1.

(a) A person who knowingly or intentionally, in a public place:

- (3) appears in a state of nudity with the intent to arouse the sexual desires of the person or another person; or
- (4) fondles the person's genitals or the genitals of another person; commits public indecency, a Class A misdemeanor.

(b) A person at least eighteen (18) years of age who knowingly or intentionally, in a public place, appears in a state of nudity with the intent to be seen by a child less than sixteen (16) years of age commits public indecency, a Class A misdemeanor.

(d) As used in this section, “nudity” means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of covered male genitals in a discernibly turgid state.

(e) A person who, in a place other than a public place, with the intent to be seen by persons other than invitees and occupants of that place:

(4) appears in a state of nudity; where the person can be seen by persons other than invitees and occupants of that place commits indecent exposure, a Class C misdemeanor.

### \* Public nudity

Sec. 1.5.

(a) As used in this section, “nudity” has the meaning set forth in section 1(d) of this chapter.

(b) A person who knowingly or intentionally appears in a public place in a state of nudity commits public nudity, a Class C misdemeanor.

(c) A person who knowingly or intentionally appears in a public place in a state of nudity with the intent to be seen by another person commits a Class B misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction under this subsection or under subsection (d).

(d) A person who knowingly or intentionally appears in a state of nudity:

(2) in a public park; or

(3) with the intent to arouse the sexual desires of the person or another person, in a department of natural resources owned or managed property; commits a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction under this subsection or under subsection (c).

## IOWA

### \* §709.9 Indecent exposure.

A person who exposes the person’s genitals or pubes to another not the person’s spouse, or who commits a sex act in the presence of or view of a third person, commits a serious misdemeanor, if:

1. The person does so to arouse or satisfy the sexual desires of either party; and
2. The person knows or reasonably should know that the act is offensive to the viewer.

**\* The following refers to Iowa's sex offender registry**

§692A.1 DEFINITIONS.

As used in this chapter and unless the context otherwise requires:

7. "Other relevant offense" means any of the following offenses:
  - c. Indecent exposure in violation of section 709.9.
  - e. A criminal offense committed in another jurisdiction which would constitute an indictable offense under paragraphs "a" through "d" if committed in this state.

**§692A.2 Persons Required to Register.**

1. A person who has been convicted of a criminal offense against a minor, an aggravated offense, sexual exploitation, an other relevant offense, or a sexually violent offense in this state or in another state, or in a federal, military, tribal, or foreign court, or a person required to register in another state under the state's sex offender registry, shall register as provided in this chapter.

\* There are no nude establishments in Iowa as noted by §728.5 Public indecent exposure in certain establishments: An owner, manager, or person who exercises direct control over a place of business required to obtain a sales tax permit shall be guilty of a serious misdemeanor under any of the following circumstances: 4. If such person allows or permits any person to remain in or upon the place of business who exposes to public view the person's genitals, pubic hair, or anus.

## **KANSAS**

**\* 21-3508. Lewd and lascivious behavior.**

(a) Lewd and lascivious behavior is:

(1) Publicly engaging in otherwise lawful sexual intercourse or sodomy with knowledge or reasonable anticipation that the participants are being viewed by others; or

(2) publicly exposing a sex organ or exposing a sex organ in the presence of a

person who is not the spouse of the offender and who has not consented thereto, with intent to arouse or gratify the sexual desires of the offender or another.

## **KENTUCKY**

### **\* 510.150 Indecent exposure in the second degree.**

(1) A person is guilty of indecent exposure in the second degree when he intentionally exposes his genitals under circumstances in which he knows or should know that his conduct is likely to cause affront or alarm to a person eighteen (18) years of age or older.

(2) Indecent exposure in the second degree is a Class B misdemeanor.

## **LOUISIANA**

### **\* 14:106. Obscenity**

A. The crime of obscenity is the intentional:

(1) Exposure of the genitals, pubic hair, anus, vulva, or female breast nipples in any public place or place open to the public view with the intent of arousing sexual desire or which appeals to prurient interest or is patently offensive.

Punishment: First offense 3 yr, \$2500; second offense 3 yr, \$5000, third offense 5 yr, \$10,000

Prison mandatory with no probation on second offense.

Violation in presence of unmarried person under 17 years punished as third offense.

## **MAINE**

### **\* § 854. Indecent conduct**

1. A person is guilty of indecent conduct if:

A. In a public place:

(1) The actor engages in a sexual act, as defined in section 251; or

(2) The actor knowingly exposes the actor's genitals under circumstances that, in fact, are likely to cause affront or alarm;

B. In a private place, the actor exposes the actor's genitals with the intention that the actor be seen from a public place or from another private place; or

C. In a private place, the actor exposes the actor's genitals with the intention that the actor be seen by another person in that private place under circumstances that the actor knows are likely to cause affront or alarm.

## MARYLAND

### \* § 11-107. Indecent exposure.

A person convicted of indecent exposure is guilty of a misdemeanor and is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

## MASSACHUSETTS

### \* Chapter 272: Section 53 Penalty for certain offenses

...and persons guilty of indecent exposure may be punished by imprisonment in a jail or house of correction for not more than six months, or by a fine of not more than two hundred dollars, or by both such fine and imprisonment.

### \* Sec. 7.67 Cape Cod National Seashore.

(13) (e) Public nudity. Public nudity, including public nude bathing, by any person on Federal land or water within the boundaries of Cape Cod National Seashore is prohibited.

## MICHIGAN

### \* 750.167 Disorderly person

(1) A person is a disorderly person if the person is any of the following:

(f) A person who is engaged in indecent or obscene conduct in a public place.

\* Michigan law allows cities and towns: "To regulate or prohibit public nudity within village boundaries. As used in this subdivision, "public nudity" means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee,

any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola.”

## **MINNESOTA**

### **\* 617.23 Indecent exposure; penalties.**

Subdivision 1. Misdemeanor. A person who commits any of the following acts in any public place, or in any place where others are present, is guilty of a misdemeanor:

- (1) willfully and lewdly exposes the person's body, or the private parts thereof;
- (2) procures another to expose private parts.

## **MISSISSIPPI**

### **\* § 97-29-31. Indecent exposure.**

A person who wilfully and lewdly exposes his person or private parts thereof in any public place or in any place where others are present or procures another to so expose himself is guilty of a misdemeanor and on conviction shall be punished by a fine not exceeding five hundred dollars (\$500.00) or be imprisoned not exceeding six (6) months or both.

## **MISSOURI**

### **\* Sexual misconduct, second degree, penalties.**

566.093. 1. A person commits the crime of sexual misconduct in the second degree if such person:

- (1) Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm.

## **MONTANA**

### **\* 45-5-504. Indecent exposure.**

(1) A person who, for the purpose of arousing or gratifying the person's own sexual desire or the sexual desire of any person, exposes the person's genitals under

circumstances in which the person knows the conduct is likely to cause affront or alarm commits the offense of indecent exposure.

## **NEBRASKA**

### **\* 28-806. Public indecency; penalty.**

(1) A person, eighteen years of age or over, commits public indecency if such person performs or procures, or assists any other person to perform, in a public place and where the conduct may reasonably be expected to be viewed by members of the public:

- (a) An act of sexual penetration; or
- (b) An exposure of the genitals of the body done with intent to affront or alarm any person; or
- (c) A lewd fondling or caressing of the body of another person of the same or opposite sex.

## **NEVADA**

### **\* NRS 201.220 Indecent or obscene exposure; penalty.**

1. A person who makes any open and indecent or obscene exposure of his person, or of the person of another, is guilty:

- (a) For the first offense, of a gross misdemeanor.

## **NEW HAMPSHIRE**

### **\* § 645:1 Indecent Exposure and Lewdness.**

I. A person is guilty of a misdemeanor if such person fornicates, exposes his or her genitals, or performs any other act of gross lewdness under circumstances which he or she should know will likely cause affront or alarm.

## **NEW JERSEY**

### **\* 2C:14-4. Lewdness.**

a. A person commits a disorderly persons offense if he does any flagrantly lewd and offensive act which he knows or reasonably expects is likely to be observed by other non-consenting persons who would be affronted or alarmed.

### **\* 40:48-1. Ordinances; general purpose.**

The governing body of every municipality may make, amend, repeal and enforce ordinances to: regulate or prohibit persons from appearing in a state of nudity upon all lands within its borders which are under the jurisdiction of the State including, without limitation, all lands owned by, controlled by, managed by or leased by the State.

## **NEW MEXICO**

### **\* 30-9-14. Indecent exposure.**

A. Indecent exposure consists of a person knowingly and intentionally exposing his primary genital area to public view.

B. As used in this section, "primary genital area" means the mons pubis, penis, testicles, mons veneris, vulva or vagina.

C. Whoever commits indecent exposure is guilty of a misdemeanor.

D. In addition to any punishment provided pursuant to the provisions of this section, the court shall order a person convicted for committing indecent exposure to participate in and complete a program of professional counseling at his own expense.

\* Indecent dancing and waitering are also illegal in New Mexico.

## **NEW YORK**

### **\* § 245.00 Public lewdness.**

A person is guilty of public lewdness when he intentionally exposes the private or intimate parts of his body in a lewd manner or commits any other lewd act (a) in a public place, or (b) in private premises under circumstances in which he may readily be



observed from either a public place or from other private premises, and with intent that he be so observed.

Public lewdness is a class B misdemeanor.

**\* § 245.01 Exposure of a person.**

A person is guilty of exposure if he appears in a public place in such a manner that the private or intimate parts of his body are unclothed or exposed. For purposes of this section, the private or intimate parts of a female person shall include that portion of the breast which is below the top of the areola. This section shall not apply to the breastfeeding of infants or to any person entertaining or performing in a play, exhibition, show or entertainment.

\* Exposure of a person is a violation.

Nothing in this section shall prevent the adoption by a city, town or village of a local law prohibiting exposure of a person as herein defined in a public place, at any time, whether or not such person is entertaining or performing in a play, exhibition, show or entertainment.

\* In 1992 the New York Court of Appeals, in a ruling by Judge Vito Totone found that "the People have offered nothing to justify a law that discriminates against women by prohibiting them from removing their tops and exposing their bare chests in public as men are routinely permitted to do."

## **NORTH CAROLINA**

**\* § 14-190.9. Indecent exposure.**

(a) 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, except for those places designated for a public purpose where the same sex exposure is incidental to a permitted 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.

## **NORTH DAKOTA**

### **\* § 12.1-20-12.1. Indecent exposure.**

1. A person, with intent to arouse, appeal to, or gratify that person's lust, passions, or sexual desires, is guilty of a class A misdemeanor if that person:
  - b. Exposes one's penis, vulva, or anus in a public place or to a minor in a public or private place.

### **\* § 12.1-31-01. Disorderly conduct.**

1. An individual is guilty of a class B misdemeanor if, with intent to harass, annoy, or alarm another person or in reckless disregard of the fact that another person is harassed, annoyed, or alarmed by the individual's behavior, the individual:
  - c. In a public place, uses abusive or obscene language, knowingly exposes that individual's penis, vulva, or anus, or makes an obscene gesture.

## **OHIO**

### **\* § 2907.09 Public Indecency.**

- (A) No person shall recklessly do any of the following, under circumstances in which the person's conduct is likely to be viewed by and affront others who are in the person's physical proximity and who are not members of the person's household:
- (1) Expose his or her private parts.

## **OKLAHOMA**

### **\* §21-1021. Indecent exposure – Indecent exhibitions – Obscene material or child pornography – Solicitation of minors.**

- A. Every person who willfully and knowingly either:
1. Lewdly exposes his person or genitals in any public place, or in any place where there are present other persons to be offended or annoyed thereby.

## **OREGON**

### **\* 163.465 Public indecency.**

(1) A person commits the crime of public indecency if while in, or in view of, a public place the person performs:

- (a) An act of sexual intercourse; or
- (b) An act of deviate sexual intercourse; or
- (c) An act of exposing the genitals of the person with the intent of arousing the sexual desire of the person or another person.

## **PENNSYLVANIA**

### **\* § 3127. Indecent exposure.**

(a) Offense defined.—A person commits indecent exposure if that person exposes his or her genitals in any public place or in any place where there are present other persons under circumstances in which he or she knows or should know that this conduct is likely to offend, affront or alarm.

\* § 23.24 states that disorderly conduct, indecent exposure, and obscene or lewd acts or dress are prohibited at state forest picnic areas.

## **RHODE ISLAND**

### **\* § 11-45-2. Indecent exposure – Disorderly conduct. —**

(a) A person commits indecent exposure/disorderly conduct when for the purpose of sexual arousal, gratification or stimulation, such person intentionally, knowingly, or recklessly:

(1) Exposes his or her genitals to the view of another under circumstances in which his or her conduct is likely to cause affront, distress, or alarm to that person;

**\* § 45-6-1 Scope of ordinances permissible. –**

(a) Town and city councils may, from time to time, make and ordain all ordinances and regulations for their respective towns and cities, not repugnant to law, which they deem necessary for the safety of their inhabitants... to prevent the indecent exposure of any one bathing in any of the waters within their respective towns and cities.

## **SOUTH CAROLINA**

**\* SECTION 16-15-130. Indecent exposure; breastfeeding.**

(A)

(1) It is unlawful for a person to willfully, maliciously, and indecently expose his person in a public place, on property of others, or to the view of any person on a street or highway.

\* (2) This subsection does not apply to a woman who breastfeeds her own child in a public place, on property of others, to the view of any person on a street or highway, or any other place where a woman and her child are authorized to be.

## **SOUTH DAKOTA**

**\* § 22-24-1.1. Public indecency—Misdemeanor.**

A person commits the crime of public indecency if the person, under circumstances in which that person knows that his or her conduct is likely to annoy, offend, or alarm some other person, exposes his or her anus or genitals in a public place where another may be present who will be annoyed, offended, or alarmed by the person's act. A violation of this section is a Class 2 misdemeanor.

**\* § 22-24-1.2. Indecent exposure—Misdemeanor or felony.**

A person commits the crime of indecent exposure if, with the intent to arouse or gratify the sexual desire of any person, the person exposes his or her genitals in a public place, or in the view of a public place, under circumstances in which that person knows that person's conduct is likely to annoy, offend, or alarm another person.

\* A misdemeanor conviction for public indecent exposure can result in the requirement for registration on the state's sex offender list.

## TENNESSEE

### \* 39-13-511. Public indecency – Indecent exposure.

(a) (1) (A) A person commits the offense of public indecency who, in a public place, as defined in subdivision (a)(2)(B), knowingly or intentionally:

(ii) Appears in a state of nudity.

### \* 36-6-304. Exposure of child to nudist colony prohibited. Except by the custodial parent.

\* Knox County (Knoxville) has a nudity ordinance.

## TEXAS

### \* Penal Code Title 9, Section 42.01 Disorderly conduct: public nudity.

(a) A person commits an offense if he intentionally or knowingly:

(12) exposes his anus or genitals in a public place and is reckless about whether another may be present who will be offended or alarmed by his act.

### §21.08. Indecent exposure.

(a) A person commits an offense if he exposes his anus or any part of his genitals with intent to arouse or gratify the sexual desire of any person, and he is reckless about whether another is present who will be offended or alarmed by his act.

### RULE §59.134 Rules of Conduct in Parks (Texas State Parks)

(h) Nudity and disrobing. It is an offense to appear nude.

## UTAH

### \* 76-9-702. Lewdness — Sexual battery — Public urination.

(1) A person is guilty of lewdness if the person under circumstances not amounting to rape, object rape, forcible sodomy, forcible sexual abuse, aggravated sexual assault, or an attempt to commit any of these offenses, performs any of the following acts in a

public place or under circumstances which the person should know will likely cause affront or alarm to, on, or in the presence of another who is 14 years of age or older:

(b) exposes his or her genitals, the female breast below the top of the areola, the buttocks, the anus, or the pubic area;

\* At Diamond Fork Hot Springs in the Uinta-Wasatch-Cache National Forest a sign is posted at the trailhead. It reads "Although nudity is not prohibited on Forest Service land, discretion is advised." In spite of this, arrests have been made.

## **VERMONT**

### **\* § 2601. Lewd and lascivious conduct**

A person guilty of open and gross lewdness and lascivious behavior shall be imprisoned not more than five years or fined not more than \$300.00, or both.

## **VIRGINIA**

### **\* § 18.2-387 Indecent exposure**

Every person who intentionally makes an obscene display or exposure of his person, or the private parts thereof, in any public place, or in any place where others are present, or procures another to so expose himself, shall be guilty of a Class 1 misdemeanor. No person shall be deemed to be in violation of this section for breastfeeding a child in any public place or any place where others are present.

## **WASHINGTON**

### **\* RCW 9A.88.010 Indecent exposure.**

(1) A person is guilty of indecent exposure if he or she intentionally makes any open and obscene exposure of his or her person or the person of another knowing that such conduct is likely to cause reasonable affront or alarm. The act of breastfeeding or expressing breast milk is not indecent exposure.

## **WEST VIRGINIA**

### **\* §61-8-9. Indecent exposure.**

(a) A person is guilty of indecent exposure when such person intentionally exposes his or her sex organs or anus or the sex organs or anus of another person, or intentionally causes such exposure by another or engages in any overt act of sexual gratification, and does so under circumstances in which the person knows that the conduct is likely to cause affront or alarm.

## **WISCONSIN**

### **\* 944.20 Lewd and lascivious behavior.**

(1) Whoever does any of the following is guilty of a Class A misdemeanor:

(a) Commits an indecent act of sexual gratification with another with knowledge that they are in the presence of others; or

(b) Publicly and indecently exposes genitals or pubic area.

## **WYOMING**

### **\* 6-4-201. Public indecency; penalties.**

(a) A person is guilty of public indecency if, while in a public place where he may reasonably be expected to be viewed by others, he:

(i) Performs an act of sexual intrusion, as defined by W.S. 6-2-301(a)(vii); or

(ii) Exposes his intimate parts, as defined by W.S. 6-2-301(a)(ii), with the intent of arousing the sexual desire of himself or another person.