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## SENATE BILL No. 362

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-35-6; IC 35-45-4-1.

**Synopsis:** Breastfeeding in public. Provides that a woman may breastfeed a child anywhere the woman has a right to be. Makes breastfeeding a child a defense for a woman charged with public indecency.

**Effective:** July 1, 2003.

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### Simpson

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January 16, 2003, read first time and referred to Committee on Criminal, Civil and Public Policy.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

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## SENATE BILL No. 362



A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-35-6 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2003]:

4 **Chapter 6. Breastfeeding**

5 **Sec. 1. Notwithstanding any other law, a woman may breastfeed**  
6 **her child anywhere the woman has a right to be.**

7 SECTION 2. IC 35-45-4-1, AS AMENDED BY P.L.121-2000,  
8 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2003]: Sec. 1. (a) **Except as provided in subsection (b)**, a  
10 person who knowingly or intentionally, in a public place:

- 11 (1) engages in sexual intercourse;
- 12 (2) engages in deviate sexual conduct;
- 13 (3) appears in a state of nudity; or
- 14 (4) fondles the person's genitals or the genitals of another person;
- 15 commits public indecency, a Class A misdemeanor.

16 (b) **It is a defense for a person accused of committing an act**  
17 **under subsection (a)(3) that the accused person was breastfeeding**



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**her child in a public place.**

(c) However, the offense under subsection (a) is a Class D felony if the person commits the offense:

- (1) by appearing in the state of nudity with the intent to arouse the sexual desires of the person or another person in or on a public place where a child less than sixteen (16) years of age is present;
- (2) in a public park and has a prior unrelated conviction that was entered after June 30, 2000, for an offense under this section;
- (3) in or on school property and has a prior unrelated conviction that was entered after June 30, 2000, for an offense under this section; or
- (4) in department of natural resources owned or managed property and has a prior unrelated conviction that was entered after June 30, 2000, for an offense under this section.

(d) "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:

- (1) engages in sexual intercourse;
- (2) engages in deviate sexual conduct; or
- (3) fondles the person's genitals or the genitals of another person; where the person can be seen by persons other than invitees and occupants of that place commits indecent exposure, a Class C misdemeanor.

**SECTION 3. [EFFECTIVE JULY 1, 2003] IC 35-45-4-1, as amended by this act, applies to offenses committed after June 30, 2003.**

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