STATE OF NEW YORK

4983

2017-2018 Regular Sessions

IN SENATE

March 3, 2017

Introduced by Sen. DIAZ -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to the crime of exposure of a person

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 245.01 of the penal law, as amended by chapter 633 of the laws of 1984, is amended to read as follows:

§ 245.01 Exposure of a person.

A person is guilty of exposure if he **or she** appears in a public place in such a manner that the private or intimate parts of his **or her** body are unclothed or exposed. For purposes of this section, the private or intimate parts of a female **or male** 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~~] **to any person at a beach or pool**.

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~~].

§ 2. This act shall take effect immediately.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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