

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE DRS75125-LH-55 (02/03)

Short Title: Amend Certain Criminal Offenses.

(Public)

Sponsors: Senator Kinnaird.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND STATE LAW TO REDEFINE PROSTITUTION TO INCLUDE ACTS OTHER THAN INTERCOURSE, SPECIFICALLY PROHIBIT PUBLIC SEXUAL ACTIVITY, AND COMPLY WITH THE UNITED STATES SUPREME COURT DECISION OF LAWRENCE V. TEXAS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-203 reads as rewritten:

"§ 14-203. **Definition of terms.**

The term "prostitution" shall be construed to include the offering or receiving of the body for sexual ~~intercourse for hire, and shall also be construed to include the offering or receiving of the body for indiscriminate sexual intercourse without hire.~~ intercourse, or the offering or receiving of the body for a sex act as defined by G.S. 14-27.1(4) for hire. The term "assignation" shall be construed to include the making of any appointment or engagement for prostitution or any act in furtherance of such appointment or engagement."

**SECTION 2.** G.S. 14-190.9 reads as rewritten:

"§ 14-190.9. **Indecent ~~exposure.~~ exposure and public sexual acts.**

(a) 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, of the opposite sex, 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.

(a1) Any person who engages in sexual intercourse, masturbation, or a sex act as defined in G.S. 14-27.1(4) in any public place and in the presence of any other person, who aids or abets in any such act, or who procures another to perform such act; or any

1 person, who as owner, manager, lessee, director, promoter, or agent, or in any other  
2 capacity knowingly hires, leases, or permits the land, building, or premises of which he  
3 or she is owner, lessee, or tenant, or over which he or she has control, to be used for  
4 purposes of any such act, is guilty of a Class 1 misdemeanor. It shall not be a defense  
5 that the person engaging in the acts is otherwise entitled under the laws or Constitution  
6 of the United States or of this State to engage in sexual relations in private nonpublic  
7 settings.

8 (b) Notwithstanding any other provision of law, a woman may breast feed in any  
9 public or private location where she is otherwise authorized to be, irrespective of  
10 whether the nipple of the mother's breast is uncovered during or incidental to the breast  
11 feeding.

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

16 **SECTION 3.** G.S. 14-177 reads as rewritten:

17 "**§ 14-177. ~~Crime against nature.~~Bestiality.**

18 If any person ~~shall commit the crime against nature, with mankind or beast, he~~  
19 engages in sexual intercourse or sex acts as defined by G.S. 14-27.1(4) with animals,  
20 that person shall be punished as a Class I felon."

21 **SECTION 4.** This act becomes effective December 1, 2005, and applies to  
22 offenses committed on or after that date.