



Michael J. O'Neill

Bill Analysis
Legislative Service Commission

H.B. 328

123rd General Assembly
(As Introduced)

Reps. Allen, Barrett, Beatty, Bender, Callender, Corbin, DePiero, Evans, Ford, Grendell, Jones, Jolivette, Logan, Maier, D. Miller, Mottley, Opfer, Patton, Pringle, Schuler, Smith, Sullivan, Sykes, Young

BILL SUMMARY

- Authorizes a mother to breast-feed her child in any public or private location where the mother and the child otherwise are authorized to be present other than the private residence or home of another under certain circumstances.
- Specifies that the definition of "nudity" for the purposes of the Sex Offenses Laws does not mean the showing, representation, or depiction of the breast of a mother who is breast-feeding her child, irrespective of whether the nipple of the breast of the mother is uncovered during or incidental to the breast-feeding.

CONTENT AND OPERATION

General right to breast-feed

Under the bill, notwithstanding any other provision of law, a mother may breast-feed her child in any public or private location where the mother and the child otherwise are authorized to be present, except the private home or residence of another if the mother's breast-feeding is likely to be viewed by and affront the owner or any occupant of the private home or residence. A mother may breast-feed her child under this provision irrespective of whether the nipple of the mother's breast is uncovered during or incidental to the breast-feeding. (Sec. 9.68.)

Nudity under the Sex Offenses Laws

Existing law

The existing Sex Offenses Laws contain several offenses in which nudity is an element directly, or indirectly through its inclusion in the definitions of "matter harmful to juveniles" and "obscene." These offenses include voyeurism (sec. 2907.08), disseminating matter harmful to juveniles (sec. 2907.31), displaying matter harmful to juveniles (sec. 2907.311), pandering obscenity (sec. 2907.32), pandering obscenity involving a minor (sec. 2907.321), illegal use of a minor in a nudity-oriented material or performance (sec. 2907.323), deception to obtain matter harmful to juveniles (sec. 2907.33), and compelling acceptance of objectionable materials (sec. 2907.34).

For the purposes of the Sex Offenses Laws, "nudity" means the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion of the breast below the top of the nipple, or of covered male genitals in a discernibly turgid state (sec. 2907.01(H)).

Operation of the bill

The bill specifies that "nudity" does not mean the showing, representation, or depiction of the breast of a mother who is breast-feeding her child, irrespective of whether the nipple of the breast of the mother is uncovered during or incidental to the breast-feeding (sec. 2907.01(H)).

HISTORY

ACTION	DATE	JOURNAL ENTRY
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