



# HOUSE BILL No. 4519

March 2, 1995, Introduced by Reps. Baird, Wallace, Martinez, Brater, LaForge, Cherry, Schroer, Tesanovich, Anthony, Pitoniak, Agee, Stallworth, Murphy, Varga, Yokich, Price, Parks, Vaughn, Hood and Bankes and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 335a of Act No. 328 of the Public Acts of 1931, entitled as amended  
"The Michigan penal code,"  
being section 750.335a of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 335a of Act No. 328 of the Public Acts  
2 of 1931, being section 750.335a of the Michigan Compiled Laws, is  
3 amended to read as follows:

4 Sec. 335a. (1) ~~Any~~ EXCEPT FOR A SEXUALLY DELINQUENT  
5 PERSON, A person who ~~shall~~ knowingly ~~make any~~ MAKES AN open  
6 or indecent exposure of his or her person or of the person of  
7 another ~~shall be~~ IS guilty of a misdemeanor, punishable by  
8 imprisonment ~~in the county jail~~ for not more than 1 year, or by  
9 a fine of not more than \$500.00. ~~, or if such person was at the~~  
10 ~~time of the said offense a~~

1           (2) A sexually delinquent person ~~, may be~~ WHO KNOWINGLY  
2 MAKES AN OPEN OR INDECENT EXPOSURE OF HIS OR HER PERSON OR OF THE  
3 PERSON OF ANOTHER IS GUILTY OF A FELONY, punishable by imprison-  
4 ment ~~in the state prison for an indeterminate term, the minimum~~  
5 ~~of which shall be 1 day and the maximum of which shall be life.~~  
6 ~~Provided, That any other provision of any other statute notwith-~~  
7 ~~standing, said offense shall be triable only in a court of~~  
8 ~~record~~ FOR NOT LESS THAN 1 DAY OR MORE THAN LIFE.

9           (3) THIS SECTION DOES NOT PROHIBIT THE BREAST-FEEDING OF AN  
10 INFANT CHILD IN PUBLIC OR IN PRIVATE.

11           (4) THIS SECTION PREEMPTS ANY LOCAL ORDINANCE PROHIBITING AN  
12 ACT DESCRIBED IN SUBSECTION (1) UNLESS THAT LOCAL ORDINANCE SUB-  
13 STANTIALLY CONFORMS TO THIS SECTION.

14           (5) A MUNICIPAL COURT DOES NOT HAVE JURISDICTION OVER A VIO-  
15 LATION OF THIS SECTION OR A LOCAL ORDINANCE SUBSTANTIALLY CON-  
16 FORMING TO THIS SECTION.

17           (6) AS USED IN THIS SECTION, "SEXUALLY DELINQUENT PERSON"  
18 MEANS THAT TERM AS DEFINED IN SECTION 10A.