

# HOUSE BILL No. 5591

May 20, 2014, Introduced by Rep. Price and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 335a (MCL 750.335a), as amended by 2005 PA 300.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 335a. (1) A person shall not knowingly make any open or  
2       indecent exposure of his or her person or of the person of another.

3       (2) A person who violates subsection (1) is guilty of a crime,  
4       as follows:

5       (a) Except as provided in subdivision (b) or (c), the person  
6       is guilty of a misdemeanor punishable by imprisonment for not more  
7       than 1 year, or a fine of not more than \$1,000.00, or both.

8       (b) If the person was fondling his or her genitals, pubic  
9       area, buttocks, or, if the person is female, breasts, while

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violating subsection (1), the person is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both.

(c) If the person was at the time of the violation a sexually delinquent person, the violation is punishable by imprisonment for an indeterminate term, the minimum of which is 1 day and the maximum of which is life.

**[(3) A MOTHER'S BREASTFEEDING OF A CHILD OR EXPRESSING BREAST MILK DOES NOT CONSTITUTE INDECENT OR OBSCENE CONDUCT UNDER SUBSECTION (1) REGARDLESS OF WHETHER OR NOT HER AREOLA OR NIPPLE IS VISIBLE DURING OR INCIDENTAL TO THE BREASTFEEDING OR EXPRESSING OF BREAST MILK.]**

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 674 of the 97th Legislature is enacted into law.