



# Topless women could get prison time under North Carolina proposal

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RALEIGH, N.C. – A bill that could send women to prison for going topless in public appears headed for approval by the North Carolina legislature.

The Republican-backed bill headed to a floor vote in the House would amend the state's indecent exposure law to expand the legal definition of "private parts" to explicitly include "the nipple, or any portion of the areola, or the female breast."

Depending on whether such exposure is judged to be "for the purpose of arousing or gratifying sexual desire," the woman could be charged with a felony, punishable by up to six months in prison for first-time offenders. More mundane exposure would be a misdemeanor meriting up to 30 days in jail.

Co-sponsor Rep. Rayne Brown, R-Davidson, told members of the House Judiciary Committee on Wednesday that her bill was triggered by topless rallies promoting women's equity that were held during the last two years in Asheville. Though her district is more than a two-hour drive from Asheville, Brown said her constituents are concerned whether the topless protests are legal.

Many cities have local ordinances barring women from going topless, but Asheville does not. Brown said a blanket solution is needed to give law enforcement officers statewide the clear authority to make arrests when nipples are exposed. The proposed bill leaves in place exceptions for "incidental" nipple exposure by breastfeeding mothers and retains the ability of local governments to regulate sexually oriented nightclubs.

"There's some confusion about the law," Brown said. "I think our state deserves clarity on this issue."

That confusion is rooted in a 1970 ruling by the state Court of Appeals that the term "private parts," as then specified in state law, did not include breasts. In 1998, the N.C. Supreme Court suggested that earlier interpretation might not be expansive enough, citing an American Heritage Dictionary definition of "private parts" as "external organs of sex and excretion."

A separate state law specifically outlaws "sexually explicit nudity," including nipples, exposed in the presence of minors. But it is not clear whether the exposure of breasts as part of a political protest could be defined as sexual.

Two Democrats on the Judiciary Committee questioned whether the issue really rises to a level requiring legislative action.

Rep. Nathan Baskerville, D-Vance, reiterated that any city or county having a problem with public toplessness is free to pass a local ordinance.

Rep. Annie W. Mobley, D-Hertford, suggested a woman wanting get around the proposed law could simply cover her nipples with tape.

"You know what they say, duct tape fixes everything," agreed Rep. Tim Moore, R-Cleveland.

The committee voted to recommend the bill to the House floor, with only Baskerville voting no. The measure would still need approval from the Republican-controlled N.C. Senate before heading to the governor's desk.

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