

617.23 INDECENT EXPOSURE; PENALTIES.

Subdivision 1. **Misdemeanor.** A person who commits any of the following acts in any public place, or in any place where others are present, is guilty of a misdemeanor:

- (1) willfully and lewdly exposes the person's body, or the private parts thereof;
- (2) procures another to expose private parts; or

(3) engages in any open or gross lewdness or lascivious behavior, or any public indecency other than behavior specified in this subdivision.

Subd. 2. **Gross misdemeanor.** A person who commits any of the following acts is guilty of a gross misdemeanor:

- (1) the person violates subdivision 1 in the presence of a minor under the age of 16; or

(2) the person violates subdivision 1 after having been previously convicted of violating subdivision 1, sections 609.342 to 609.3451, or a statute from another state in conformity with any of those sections.

Subd. 3. **Felony.** A person is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if:

(1) the person violates subdivision 2, clause (1), after having been previously convicted of or adjudicated delinquent for violating subdivision 2, clause (1); section 609.3451, subdivision 1, clause (2); or a statute from another state in conformity with subdivision 2, clause (1), or section 609.3451, subdivision 1, clause (2); or

(2) the person commits a violation of subdivision 1, clause (1), in the presence of another person while intentionally confining that person or otherwise intentionally restricting that person's freedom to move.

Subd. 4. **Breast-feeding.** It is not a violation of this section for a woman to breast-feed.

History: (10186) RL s 4953; 1931 c 321; 1986 c 444; 1994 c 636 art 2 s 54; 1995 c 226 art 2 s 31; 1996 c 408 art 3 s 37; 1998 c 367 art 3 s 14; 1998 c 369 s 2