



The American Association for Nude Recreation – Western Region

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AANR-Western Region: State and Local Nudity Laws

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Generally, in America, nudity is against the law in public places. Moreover, nudity is also generally illegal on a person's own property if the nude person is visible to the public, such as through an open window or sunbathing nude in someone's yard. While most state laws are clear about nudity around children and nudity meant to arouse, some other wording is vague and violations often are a matter of community standards for indecency. Of course, in some situations, these laws may conflict with constitutional protections for freedom of expression, particularly if the nudity is part of an artistic performance or political demonstration.

Local laws will take precedence when the question of nudity relates to federal lands, such as federal parks, beaches, and other facilities. New York, Hawaii, Maine, Ohio, and Texas are unique in that they each have laws expressly allowing women to go topless in any location where men could do so legally.

To the best of our knowledge and research here are many of the nudity laws affecting the cities, counties, and states in our region: Arizona, California, Colorado, Hawaii, Nevada, New Mexico, Wyoming, and Utah. Plus Mexico and the Phillipine Islands. Use this as a guide only as these laws are subject to constant change.)

Federal Land

It may come as a surprise to some nudists, but "Nudity" per se on federal land or anywhere else is not a "right" under the constitution. Sometimes it is allowed under certain circumstances or locations, and sometimes it isn't.

There have been many court cases on this subject (United States v. O'Brien 1968, Erie vs Paps 2000, South Florida Free Beaches vs City of Miami 1982, Barnes v Glen Theater 1991, etc.) and most of these have made the ability to be social nudity more restrictive, and allowing local cities and counties to ban it outright as it did not fall under First Amendment protection..

In the June, 1991, Barnes v. Glen Theatre case, for example, a plurality of the Supreme Court ruled that states have the right to ban public nudity and doing so does not violate the freedom of expression. Justice Anton Scalia reasoned "that moral opposition to nudity supplies a rational basis for its prohibition."

The Golden Rule seems to be whoever is in charge makes the rules, so check out your destination with the locals before assuming anything.

Bureau of Land Management (BLM)

The BLM is an agency within the Department of the Interior which manages diverse resources on public land across the nation, especially in the west. For example, in California, the agency oversees 15.2 million acres— about 15% of the Golden State's total land mass. In Nevada, BLM manages 48 million acres (63% of the state), and in Colorado that number is 8.3 million acres.

BLM tries to balance the various demands of various groups interested in using these lands for recreation, energy development, conservation, habitats for wild horses and burros, Native American cultural protection and livestock grazing.

The National Park Service (NPS)

NPS is also a bureau of the Department of the Interior. In 2016, the agency celebrated its centennial. In the United States at present, there are 59 national parks, and 117 national monuments. The NPS manages 78 of the monuments and the rest are co-managed by the BLM or by another regional or state agency.

Each of the parks has a superintendent in charge, who also may manage an adjoining monument or a national forest area in cooperation with the Forestry Service. It is important for naturists to know who manages what in any given area because sometimes you will receive contradictory advice depending on to whom you are speaking. In general, if there is a park superintendent, he has the final word. Superintendents do get moved around, so just because you had permission to skinny dip in a certain lake before, doesn't mean a new superintendent will agree to the same.

A good example is what happened at Saline Valley a few years ago, when the "Clothing Optional" sign was removed from the Hot Springs area when a new Park Superintendent was appointed. Nudity is still allowed there, but he did not want visitors to think it was officially approved.

U.S. Forest Service

This agency is part of the U.S. Agriculture Department. They also manage public lands but focus on preserving the forests and habitats both for the animals living there and for the birds whose migration paths cross above. The Forest Service also manages timber interests on public land and fights invasive forest pests. Its main focus is to oversee wildfire prevention (i.e. Smokey the Bear).

Naturists encounter BLM and Forest Service rangers all the time on hiking trails and remote hot springs. Some are friendly and seek to prevent user conflict by making sure we are respectful of those who do not wish to see our nudity, while others will call the local police to issue a citation. It varies from state to state, forest to forest, and trail to trail.

In 2006, a nude hiker encountered a Forest Service ranger in the Angeles National Forest above Los Angeles. He called the County Sheriff's office who arrested the man. With the help of a Naturist Action Committee lawyer, the County Sheriff Lee Bac determined that since there was no law prohibiting nudity in the national forest, the man was free to go. To this day, all nude hikers in that forest area carry a copy of Baca's letter in case another Forest ranger or sheriff's deputy didn't get the memo.

Arizona State Law

Arizona Revised Statutes - Title 13 Criminal Code 13-1402. Indecent exposure; exception; classifications

- A. A person commits indecent exposure if he or she exposes his or her genitals or anus or she exposes the areola or nipple of her breast or breasts and another person is present, and the defendant is reckless about whether the other person, as a reasonable person, would be offended or alarmed by the act.
- B. Indecent exposure does not include an act of breast-feeding by a mother.
- C. Indecent exposure to a person who is fifteen or more years of age is a class 1 misdemeanor. Indecent exposure to a person who is under fifteen years of age is a class 6 felony.
- D. A person who is convicted of a felony violation of this section and who has two or more historical prior felony convictions for a violation of this section or section 13-1403 involving indecent exposure or public sexual indecency to a minor who is under fifteen years of age shall be sentenced to a term of imprisonment if [6 to 15 years].
- E. The presumptive term imposed pursuant to subsection D of this section may be mitigated or aggravated pursuant to section 13-701, subsections D and E.

California State and Local Laws

California Codes Sections 314-318.6 (as of 6/2000): Every person who willfully and lewdly, either:

1. Exposes his person, or the private parts thereof, in any public place, or in any place where there are present other persons to be offended or annoyed thereby; or,
2. Procures, counsels, or assists any person so to expose himself or take part in any model artist exhibition, or to make any other exhibition of himself to public view, or the view of any number of persons, such as is offensive to decency, or is adapted to excite to or thoughts or acts, is guilty of a misdemeanor.

Every person who violates subdivision 1 of this section after having entered, without consent, an inhabited dwelling house, or trailer coach as defined in Section 635 of the Vehicle, or the inhabited portion of any other building, is punishable by imprisonment in the state prison, or in the county jail not exceeding one year.

Upon the second and each subsequent conviction under subdivision 1 of this section, or upon a first conviction under subdivision 1 of this section after a previous conviction under Section 288, every person so convicted is guilty of a felony, and is punishable by imprisonment in state prison.

- **California Implied Privacy Code (2014)**

In 2016 a former Playboy model took photos of a woman showering at her gym. The act was illegal under California law. A section of its Penal Code revised in 2014 said it's a misdemeanor to look "with the intent to invade the privacy of a person" into places like a changing room, where a person has "a reasonable expectation of privacy," with a camera. Under this law, it's illegal generally to distribute an image of the "intimate body part or parts" of another person "without the consent of or knowledge of that other person." So, under that law, the photographer could be charged in the state of California with disorderly conduct, a misdemeanor that can include a fine of up to \$1,000 or six months in jail.

- **California State Parks**

Admin Code Section 4322 of Title 14 of the California Administrative Code regarding nudity in the state parks: 1. No person shall appear nude while in any unit except in authorized areas set aside for that purpose by the Department. The word nude as used herein means unclothed or in such a state of undress as to expose any part of portion of the pubic or anal region or genitalia of any person or any portion of the breast at or below the areola thereof of any female person. 2. All sections are misdemeanors which carry a maximum punishment of 90 days in jail and/or \$1,000 fine.

NAC vs State Parks (2009) and NAC vs State Parks Appeal (2010)

- Santa Barbara County Ordinance (1977)

Sec. 24-15. Nudity --Offenses numerated; penalties.

(a) It is hereby declared a public nuisance and unlawful for any person to appear on any beach, park, street or in any other public place or place open to the public or exposed to public view, including specifically a view from any private residence or any portion of the real property in the immediate vicinity of such private residence, whether such place is publicly or privately owned, unclothed or in such a state of undress as to expose, in the case of a female, any portion of her breasts below the areolas thereof or in the case of any male or female, any part of his or her pubic or anal region or genitalia.

(b) The provisions of this section shall not apply to any acts which take place wholly within a fully enclosed building or any portion thereof; and nothing contained herein shall be construed to prohibit any act or acts which are expressly authorized or prohibited by the Penal Code of the state.

(c) Violations of this section shall be an infraction punishable by a fine in the sum of fifty dollars for a first violation; a fine in the sum of one hundred dollars for a second violation of this section within one year after the first violation; and a fine in the sum of two hundred fifty dollars for each additional violation within one year after a second violation and within one year after any subsequent violation of this section thereafter. (Ord. No. 2507, S 1; Ord. No. 2564, S 1; Ord. No. 2931, S 1)

- Los Angeles County Ordinance (1976)

Los Angeles County Ordinance 17.12.360, "Nudity and Disrobing":

A) No person shall appear, bathe, sunbathe, walk, change clothes, disrobe or be on any beach in such manner that the genitals, vulva, pubis, pubic symphysis, pubic hair, buttocks, natal cleft, perineum, anus, anal region or pubic hair region of any person, or any portion of the breast at or below the upper edge of the areola thereof of any female person, is exposed to public view, except in those portions of a comfort station, if any, expressly set aside for such purpose.

B) This section shall not apply to persons under the age of 10 years, provided such children are sufficiently clothed to conform to accepted community standards.

C) This section shall not apply to persons engaged in a live theatrical performance in a theater, concert hall, or similar establishment which is primarily devoted to theatrical performances.

- San Diego County Ordinance (1975)

Title 3 Public Safety, Morals and Welfare* Division 2. Police Regulations and Offenses Against Public Chapter 10. Public Nudity*

*Note--Added by Ord. No. 4574 (N.S.), Effective 10-24-75.

Sec. 32.1001. Purpose and Intent.

The presence of persons who are nude and exposed to public view in or on public rights of way, public parks, public beaches or any other public land, or in or on any private property open to public view from any public right of way, public beach, public park, or other public land, is offensive to members of the general public unwillingly exposed to such persons. Nudity, if it is to be permitted to be exposed to public view, should be confined to a defined area. The provisions of this chapter are enacted for the purpose of securing and promoting the public health, morals and general welfare of all persons in the County of San Diego.

Cross reference(s)--Parks and recreation, § 41.101 et seq.

Sec. 32.1002. Nudity Defined.

Whenever in this chapter the word "nude" is used, it shall mean devoid of an opaque covering which covers the genitals, vulva, pubis, pubic symphysis, pubic hair, buttocks, natal cleft, perineum, anus, anal region, or pubic hair region of any person or any portion of the breast at or below the upper edge of the areola thereof of any female person.

Sec. 32.1003. Public Place Defined.

Whenever in this chapter the words "public place" are used, they shall mean any public beach, park, street or waters adjacent thereto, or any place open to the public or exposed to public view, including specifically a view from any private residence or any portion of the real property in the immediate vicinity of such private residence, whether such place is publicly or privately owned.

Sec. 32.1004. Public Nudity Prohibited.

It is hereby declared a public nuisance and unlawful for any person to appear, sunbathe, bathe, walk, disrobe, or otherwise be nude in any public place except in an area expressly set aside for such purpose or in those portions of a comfort location, if expressly set aside for such purpose. Any person who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by fine of not more than \$500 or by imprisonment in the County Jail for a period of not more than six months, or by both fine and imprisonment.

Sec. 32.1005. [Persons to Whom Chapter Shall Not Apply.]

This chapter shall not apply to persons under the age of 10 years.

Sec. 32.1006. [Chapter Not Applicable to Theatrical Performances, Etc.]

This chapter shall not apply to persons engaged in a live theatrical performance, in a theater, concert hall or similar establishment which is predominantly devoted to theatrical performances.

Sec. 32.1007. [Chapter Not Applicable to Acts Authorized Or Prohibited By State Law.]

Nothing contained in this chapter shall be construed to prohibit any act or acts which are expressly authorized or prohibited by the Penal Code of the State of California.

- **Simi Valley City Ordinance (2000)**

ORDINANCE NO. 988

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIMI VALLEY AMENDING TITLE 5, OF THE SIMI VALLEY MUNICIPAL CODE BY ADDING CHAPTER 37 TITLED PUBLIC NUDITY

WHEREAS, the City of Simi Valley has a valid governmental purpose of protecting public order, decency and morality; and WHEREAS, the City Council finds that the appearance of people in the nude in a public place or in a place open to or visible by the public, including children; is inimical to public safety and order, decency, and morality; and

WHEREAS, the City Council is concerned regarding the indecency of citizen(s) of the community who have from time to time appeared in public in a state of nudity, with no applicable prohibitive state statutes; and

WHEREAS, the City Council has expressed its intention to limit or restrict such indecent immoral activities, to provide penalties for violations thereto; and

WHEREAS, the United States Supreme Court has upheld regulation of nudity to protect the public order, decency and morality in *Barnes v. Glen Theatre, Inc.*, 111 S. Ct. 2456, 115 L. Ed 2d 504 (1991), and in *City of Erie v. PAPS AM*, 2000 Daily Journal DAR 3255.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIMI VALLEY DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 37 Titled Public Nudity is added to the Simi Valley Municipal Code as follows:

Section 537.101. Public Nudity--Prohibited.

It shall be unlawful, for any person, while in any public park, playground, public right of way, or in any other public place or public accommodation, or in any place open to the public or obviously open to public view (with or without payment of an admission fee), to knowingly and intentionally

(a) Expose his or her genitals, pubic hair, natal cleft, perineum, anal region, or pubic hair region; or

(b) Expose any device, costume, or covering which gives the appearance of or simulates the genitals, pubic hair, natal cleft, perineum, anal region or pubic hair region; or

(c) Expose the nipples and/or areolae of the female breast, except as necessary while breast feeding an infant under two years of age; or

(d) Expose any device (commonly known as a "pasty" or "pasties") worn as a cover over the nipples and/or areolae of the female breast, which device simulates and gives the realistic appearance of nipples and/or areolae.

Section 537.102. Exceptions.

The provisions set forth in Section 537,101 above shall not apply to:

(a) Any child under ten years of age; or

(b) Any acts prohibited, or the prohibition of which is preempted by any provision of state law.

Section 537.103. Penalties.

It shall be unlawful for any person, firm or corporation to violate any provision or to fail to comply with any of the requirements of this ordinance. Any person, firm or corporation violating any provision of this ordinance or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Each such person, firm or corporation shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the provisions of this ordinance is committed, continued or permitted by such person, firm or corporation, and shall be punishable for as provided for in this ordinance.

- **Thousand Oaks City Ordinance (2000)**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS REPEALING THE PRESENT CHAPTER 16 OF TITLE 5 OF THE T.O.M.C. AND ADDING A NEW CHAPTER 16 WHICH PROHIBITS THE CONDUCT OF PUBLIC NUDITY.

The City Council of the City of Thousand Oaks does hereby ordain as follows:

Part 1

The present Chapter 16 of Title 5 (Unlawful exposure of private parts and female breasts) is hereby repealed.

Part 2

A new Chapter 16 is added to Title 5 of the Thousand Oaks Municipal Code to read as follows: Chapter 16: Prohibition of the Conduct of Public Nudity. Sec. 5-16.01.

Purpose. The City Council has considered the report of the City of Garden Grove, California (1991) and the secondary effects of adult businesses which permit displays of public nudity as described in the cases of *Barnes v. Glen Theater, Inc.*, (1991) 501 U.S. 584, 111 S.Ct. 2456, *City of Erie v. PAPS A. M.* (2000) ___ U. S. ___, 120 S.Ct. 1382, and *City of Renton v. Playtime Theaters, Inc.* (1986) 475 U.S. 41, 106 S. Ct. 925. Public indecency laws are designed to prohibit certain conduct such as public nudity for the purpose of preserving societal order and a community's notion of morality.

The City Council finds that due the described secondary effects of public nudity in adult businesses, as well as, those effects of such conduct in other public places require that the conduct of public nudity be prohibited as set forth in this Chapter.

In addition, the City Council finds that the conduct or appearance of people (other than infants or small children) in the nude in a public place or in a place open to or visible by the public, including children, is inimical to public safety and order, and the community's sense of common decency and morality.

The City Council further finds that certain lewd, immoral activities carried on in public places for profit are highly detrimental to the public health, safety and welfare, and lead to the debasement of both women and men, promote violence, public Intoxication, prostitution and other serious criminal activity.

Sec. 5-16.02.

Definitions. a. Nudity. " Nudity" means the showing, exposing, displaying, or exhibiting, of any of the following:

- (1) The human male or female genitals, pubic hair or buttocks with less than fully opaque covering;
- (2) The female breast with less than fully opaque covering below a point immediately above the top of the areola, except as necessary while breast feeding an infant under two years of age;
- (3) Any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, natal cleft, perineum, anal region or pubic hair region; or
- (4) Any device worn as a cover over the nipples and/or areola of the female breast, which device simulates and gives the realistic appearance of nipples or areola.

b. Public Place. "Public place" means any outdoor place owned by a public entity or exterior private property which is open to the general public including, but not limited to, a park, swimming pool, playground, right-of-way, street, walkway, trail, or any other similar open place, including as well the interior areas of any building or enclosed place which is open to the general public, such as places of entertainment, taverns, restaurants, adult or sexually oriented businesses, juice bars, clubs, theaters, dance halls, banquet halls, party rooms or halls even if limited to specific members (or restricted to adults or select patrons invited to attend), whether or not there is a payment of an admission charge required for entrance to such places.

Sec. 5-16.03.

Unlawful Public Nudity Except as allowed under section 5-16.05, it is unlawful for any person in any public place to knowingly and intentionally appear in a state of nudity. The conduct of public nudity is a violation of this section without regard to whether or not such person is paid any compensation by another person to so expose him or herself, or directed to so appear by the management of any establishment in which that conduct occurs.

Sec. 5-16.04.

Other Prohibitions:

Public performances, Counseling or Assisting. It shall be unlawful for any person to willfully cause or direct any person to expose him or herself as prohibited in section 5-16.03 of this chapter.

In addition, it shall be unlawful for any person who owns, manages, controls or operates any private place which is open to the public, to willfully permit, allow, or procure the conduct of any person to exposing him or herself as prohibited in section 5-16.03 of this chapter.

Sec. 5-16.05.

Exceptions. The provisions of this chapter shall not apply to the following:

- a. Photographs, movies, videos, or any other type of non-live art or performance;
- b. Any child under the age of ten (10) years old; or
- c. Any act prohibited, or the prohibition of which is preempted, by any provision of state law.

San Francisco Nudity Ordinance (2012)

(a) The Board of Supervisors finds that a person's public exposure of his or her private parts

(1) invades the privacy of members of the public who are unwillingly or unexpectedly exposed to such conduct and unreasonably interferes with the rights of all persons to use and enjoy the public streets, sidewalks, street medians, parklets, plazas. public rights-of-way, transit vehicles. stations. platforms. and transit system stops,

(2) creates a public safety hazard by creating distractions. obstructions, and crowds that interfere with the safety and free flow of pedestrian and vehicular traffic. and

(3) discourages members of the public from visiting or living in areas where such conduct occurs.

(a)The Board of Supervisors has enacted the provisions of this Section 154 for the purpose of securing and promoting the public health, safety, and general welfare of all persons in the City and County of San Francisco,

(b) A person may not expose his or her genitals, perineum, or anal region on any public street, sidewalk, street median, parklet, Gf-plaza, or public right-of-way as defined in Section 2.4.4(t) of the Public Works Code. or in any transit vehicle, station, platform, or government operated transit system in the City and County of San Francisco.

(c) The provisions of this chapter shall not apply to (1) any person underage of five years or (2) any permitted parade, fair, or festival held under a City or other government issued parade permit. Notwithstanding this exemption. all persons participating in or attending permitted parades or festivals shall comply with Section 1071.1(b) (2) of the San Francisco Police Code.

(d) Any person who violates this Section 154 shall be guilty of infraction and upon conviction thereof such person shall be punished by a fine not to exceed one hundred dollars (\$100) for a first violation, and not to exceed two hundred dollars (\$200) for a second violation within 12 months of the first violation.

(e) Upon the third or subsequent conviction under this Section 154 within 12 months of the first violation. such person shall be guilty of an infraction or a misdemeanor. The complaint charging such violation shall specify whether, in the discretion of the District Attorney an infraction or a misdemeanor. If charged as an infraction. upon conviction, the violator shall be punished by a fine not to exceed \$500. If charged as a misdemeanor. upon conviction, the violator shall be punished by a fine not to exceed \$500 or by imprisonment in the County jail for a period not to year or by both such fine and imprisonment

(f) This Section shall not supersede or otherwise affect existing laws regulating nudity under the San Francisco Municipal Code. including but not limited to the Park Code, Police Code, and Port Code. But in the event or a conflict between this Section 154 and Police Code 107

Section 154 shall prevail.

(g) A violation of this Section does not require lewd or sexually motivated conduct under the indecent exposure provisions of California Penal Code Section 314 or for purposes of California Penal Code Section 290(c).

Recent California Court Cases (click links to read full text)

[In re Smith \(1972\)](#) “...Mere nudity does not constitute a form of sexual activity.”

[Eckl vs Davis \(1975\)](#) Court of Appeal: “...The appearance of some persons utilizing said parks and beaches by appearing thereon without clothing and with the private parts of their bodies exposed, unreasonably interferes with the right of all persons to use and enjoy said parks and beaches by causing many persons to leave, and others not to come to said parks and beaches.... We, therefore, conclude that the [Los Angeles] ordinances on their faced do not infringe upon the rights of freedom of speech or expression but are valid regulations of conduct.”

[Pryor vs Municipal Court \(1979\)](#) “...the phrase "lewd or dissolute conduct" ...prohibits only the solicitation or commission of conduct in a public place...which involves the touching of the genitals, buttocks, or female breast, for purposes of sexual arousal, gratification, annoyance or offense.”

[Enforcement in State Parks: California vs Bost \(1988\)](#) “...Simple beach nudity is not indecent exposure...Fair notice must be given before a citation is issued...”

[Sheriff Lee Baca Letter \(2006\)](#) “Simply being nude in the Angeles National Forest is not prohibited by law.”

[NAC vs State Parks \(2009\)](#) and [NAC vs State Parks Appeal \(2010\)](#) “...The Cahill Policy is rescinded...”

[San Francisco City Ordinance \(full text\) 2012](#)

[People vs Kus \(2013\)](#) “...a violation under Public Resources Code section 5800, subdivision (d) does not afford a defendant any election, nor does it require a defendant’s consent prior to the reduction of the misdemeanor to an infraction...”

California Jury Instructions - Evidence Needed to Convict

California Jury Instruction for 314.1 - Indecent Exposure

The defendant is charged with indecent exposure. To prove that the defendant is guilty of this crime, the People must prove that:

1. The defendant willfully exposed (his/her) genitals in the presence of another person or persons who might be offended or annoyed by the defendant’s actions; AND
2. When the defendant exposed (himself/herself), (he/she) acted lewdly by **intending** to direct public attention to (his/her) genitals for the purpose of sexually arousing or gratifying (himself/herself) or another person, or sexually offending another person.

California Jury Instruction for 647(a) - Lewd Conduct in Public

The defendant is charged with engaging in lewd conduct in public.

To prove that the defendant is guilty of this crime, the People must prove that:

1. The defendant willfully engaged in the touching of ((his/her) own/ [or] another person’s) genitals, buttocks, or female breast;

2. The defendant did so with the intent to sexually arouse or gratify (himself/herself) or another person, or to annoy or offend another person;
3. At the time the defendant engaged in the conduct, (he/she) was in (a public place/ [or] a place open to the public [or to public view]);
4. At the time the defendant engaged in the conduct, someone else who might have been offended was present; AND
5. The defendant **knew** or reasonably should have known that another person who might have been offended by (his/her) conduct was present.

Someone commits an act willfully when he or she does it willingly or on purpose. [As used here, a public place is a place that is open and accessible to anyone who wishes to go there.]

Both code sections 314.1 (indecent exposure) and 647(a) (lewd conduct in public) have been subject to other more specific court interpretations. For example, one case found that a man wearing a bra and panties when he confronted a motel clerk did not violate 314.1. Another case found that a man grabbing his exposed penis during a road rage incident and yelling at the female subject of his rage "suck this, bitch" did violate 314.1.

Colorado State Law

Colorado law prohibits public nudity and indecently exposing oneself in a sexual manner to alarm or offend others. These crimes are called public indecency and [indecent exposure](#) and can result in jail time and even registration in the state's sex offender registry.

* 18-7-301. Public indecency.

(1) Any person who performs any of the following in a public place or where the conduct may reasonably be expected to be viewed by members of the public commits public indecency:

- (a) An act of sexual intercourse; or
- (b) An act of deviate sexual intercourse; or
- (c) A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of any person; or
- (d) A lewd fondling or caress of the body of another person.

(2) Public indecency is a class 1 petty offense.

* The plain language of this offense reflects the general assembly's intent to make public indecency a strict liability crime without a culpable mental state. Because this section makes it a crime to perform any of the stated acts where the conduct may reasonably be expected to be viewed by members of the public, it does not matter whether the defendant knew he was in a public place. The objective standard depends on what a reasonable person in the defendant's position should have known. Therefore, the trial court did not err in rejecting a jury instruction that would have required the jury to find the defendant knew he was in a public place. *People v. Hoskay*, 87 P.3d 194 (Colo. App. 2003).

* 18-7-302 – Indecent exposure.

(1) A person commits indecent exposure if he knowingly exposes his genitals to the view of any person under circumstances in which such conduct is likely to cause affront or alarm to the other person.

(2) (a) (Deleted by amendment, L. 2003, p. 1435, § 31, effective July 1, 2003.)

(b) Indecent exposure is a class 1 misdemeanor.

(4) Indecent exposure is a class 6 felony if the violation is committed subsequent to two prior convictions of a violation of this section or of a violation of a comparable offense in any other state or in the United States, or of a violation of a comparable municipal ordinance.

2/20/2017 The FT Collins “Free the Nipple” Ruling

U.S. District Court Judge R. Brooke Jackson granted an injunction Wednesday halting a Fort Collins ordinance that prohibited women from showing their breasts in public, saying it discriminated against women and perpetuated stereotypes that sexualized female breasts.

“I find that the ordinance discriminates against women based on the generalized notion that, regardless of a woman's intent, the exposure of her breasts in public (or even in her private home if viewable by the public) is necessarily a sexualized act,” Jackson wrote. “Thus, it perpetuates a stereotype engrained in our society that female breasts are primarily objects of sexual desire whereas male breasts are not.”

Although the case has not been finished, Jackson wrote that he would grant the injunction in part because he believes he will ultimately find that the ordinance violates the Equal Protection Clause.

Denver civil rights attorney David Lane who argued against the ordinance, was not surprised by the judge's decision Wednesday.

"It makes great sense," he said. "Any statute that has the words in it 'Women are prohibited from' is almost certainly unconstitutional."

On Nov. 3, 2015, the city enacted an ordinance that prohibited females 10 or older from exposing their breasts from below the top of the areola in public or on private property if that place can be viewed by someone on public property. This ordinance exempted women who were breastfeeding. Someone who violated the ordinance could be fined up to \$2,650 or imprisoned for 180 days.

Free the Nipple, an association of Colorado residents who advocate for gender equality, its founder Brittiany Hoagland and member Samantha Six filed for a preliminary injunction on May 31, alleging that the public nudity ordinance was one of the most restrictive in the nation.

In his decision, Jackson ruled against the city's claims that law maintained public order and protected children. He also ruled against their contention that the order did not discriminate because male and female breasts are different, therefore do not raise an equal protection issue.

The primary difference between male and female breasts is the ability to breastfeed. Beyond that, an expert testified in court that breasts are similarly situated. The court noted physical differences but said that was not enough to warrant different treatment from the government.

Jackson wrote that the mere sight of a female breast does not endanger children because — due to breastfeeding — it is one of the first things a child sees. Additionally, a child of any age might see a woman's breast while she is breastfeeding, which is allowed by the ordinance, but no one has suggested that they are harmed by that experience.

"It seems, then, that children do not need to be protected from the naked female breast itself but from the negative societal norms, expectations, and stereotypes associated with it," he wrote.

A law that allows women to show their breasts in public would not have a significant negative impact on the public, Jackson wrote.

"Frankly, even if this ordinance were not on the books I doubt that women would be regularly walking through downtown Fort Collins with their breasts exposed, or parading in front of elementary schools, or swimming topless in the public pool, as defendant cautioned us during the hearing," he wrote.

"As with many other legal behaviors, common sense and sensitivity to the feelings of others tells us that there is a time and a place," he continued. "It seems to me that the primary focus here is the equal right of women to expose their breasts in public, not necessarily a plan to make it an everyday, everywhere routine."

He recognized that his decision to strike down the law would upset many Fort Collins residents. Although he said stopping women from showing their breasts may be a significant issue of personal morality, he ruled that those concerns are outweighed by the constitutional rights of others.

"Unfortunately, our history is littered with many forms of discrimination, including discrimination against women," he wrote. "As the barriers have come down, one by one, some people were made uncomfortable. In our system, however, the Constitution prevails over popular sentiment."

<http://www.denverpost.com/2017/02/22/topless-fort-collins-free-the-nipple-regulation/>

Hawaii State Law

* §707-733 Sexual assault in the fourth degree.

(1) A person commits the offense of sexual assault in the fourth degree if:

- (a) The person knowingly subjects another person to sexual contact by compulsion or causes another person to have sexual contact with the actor by compulsion;
- (b) The person knowingly exposes the person's genitals to another person under circumstances in which the actor's conduct is likely to alarm the other person or put the other person in fear of bodily injury; or
- (c) The person knowingly trespasses on property for the purpose of subjecting another person to surreptitious surveillance for the sexual gratification of the actor.

(2) Sexual assault in the fourth degree is a misdemeanor.

* §707-734 Indecent exposure.

(1) A person commits the offense of indecent exposure if, the person intentionally exposes the person's genitals to a person to whom the person is not married under circumstances in which the actor's conduct is likely to cause affront.

(2) Indecent exposure is a petty misdemeanor.

* Hawaii Stat Parks: 13-146-38 Swimming; nudity. (a) A person may swim or bathe except in waters and at times where these activities are prohibited in the interest of public health or safety. These waters shall be designated by posting of appropriate signs. No person shall bathe, swim, walk, sunbathe, or remain on the premises in the nude, or take outdoor showers in the nude, except for bathing or changing clothes within enclosed facilities provided for those purposes or for the exposed breast of a nursing mother in the act of breastfeeding an infant.

Specific to Kaloko-Honokohau National Historical Park:

Public nudity, including nude bathing, by any person on Federal land or water within the boundaries of Kaloko-Honokohau National Historical Park is prohibited. This section does not apply to a person under 10 years of age.

2000 Hawaii Supreme Court decision in State v. Kalama

"We hold that a conviction under Hawaii Revised Statutes (HRS) § 707-734 (1993) for indecent exposure must be supported by proof that the defendant "intentionally," as defined in HRS § 702-206(1) (1993), exposed his or her genitals to another person [when] the other person was likely to be affronted. Under the stipulated facts of this case, the exposure by Defendant-Appellant Maiika K. Kalama (Defendant) of his genitals to a fellow nude sunbather was not "likely to cause affront," as required by HRS § 707-734. The district court of the first circuit (the court), however, convicted Defendant of violating HRS § 707-734 [because] other persons who could have been in the area would have been affronted by Defendant's conduct. We reverse Defendant's conviction because the court applied the wrong legal standard and because the evidence was insufficient to establish guilt under the legal standard that should have been applied."

Nevada State Law

NRS 201.220 Indecent or obscene exposure; penalty.

1. A person who makes any open and indecent or obscene exposure of his person, or of the person of another, is guilty:

(a) For the first offense, of a gross misdemeanor.

[Simple public nudity is considered indecent exposure under Nevada law.]

New Mexico State Law

*** 30-9-14. Indecent exposure.**

A. Indecent exposure consists of a person knowingly and intentionally exposing his primary genital area to public view.

B. As used in this section, "primary genital area" means the mons pubis, penis, testicles, mons veneris, vulva or vagina.

C. Whoever commits indecent exposure is guilty of a misdemeanor.

D. In addition to any punishment provided pursuant to the provisions of this section, the court shall order a person convicted for committing indecent exposure to participate in and complete a program of professional counseling at his own expense.

* Indecent dancing and "waitering" are also illegal in New Mexico.

Utah State Law

Title 76 Utah Criminal Code: Chapter 10 Offenses Against Public Health, Safety, Welfare, and Morals

Section 1227 Indecent public displays -- Definitions.

(1) For purposes of this section and Section 76-10-1228:

(a) "Description or depiction of illicit sex or sexual immorality" means:

(i) human genitals in a state of sexual stimulation or arousal;

(ii) acts of human masturbation, sexual intercourse, or sodomy;

(iii) fondling or other erotic touching of human genitals or pubic region; or

(iv) fondling or other erotic touching of the human buttock or female breast.

(b) "Nude or partially denuded figure" means:

(i) less than completely and opaquely covering human:

- (A) genitals;
 - (B) pubic regions;
 - (C) buttock; and
 - (D) female breast below a point immediately above the top of the areola; and
- (ii) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (2) (a) A violation of this section is punishable by:
- (i) a minimum mandatory fine of not less than \$500; and
 - (ii) incarceration, without suspension of sentence in any way, for a term of not less than 30 days.

In other words, nudity in the state of Utah is defined as a "lewd act" and punishable as a felony.

Mexico

There is no national anti-nudity statute, and because of the booming tourism industry, especially on the east coast between Cancun and Playa Del Carmen, hotels and patrons generally overlook it if your party is hidden from public view and no complaint is made. If outsiders can watch the people at your party, it is a felony.

The exception is the annual World Naked Bike Ride, held in several Mexican cities each June, which attract several thousand nude bikers with no arrests or harassment as long as the participants act peacefully.

On most textile (i.e. bathing suit required") Mexican beaches, thongs and tiny bottoms in general are the NORM on women. Clothing optional resorts in Western Mexico include Desire Resorts and Los Cabos Resort (near Cabo San Lucas) Baja Mexico (couples only), Club Cabo (near Cabo San Lucas), and Zipolite Beach, near Huatulco, Oaxaca. Punta Serena and Blue Bay (between Manzanillo and Puerto Vallarta) are hotels that have clothing optional beaches nearby.

The Philippines

Nudity is forbidden in the country except for three nudist clubs in the south and west corners of the county and one on Luzon island (see below). Both television shows Naked and Afraid and Dating Naked have been filmed there n 2015, so I guess for a little money law enforcement can be told to turn their backs. Paniman Beach resort that has recently opened for nude use on the western shore of Luzon island.

For a summary of nudity laws in all 50 states, go to: <https://www.hg.org/article.asp?id=31193>