H-0245.1

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**HOUSE BILL 2088**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Representatives Kraft, Mosbrucker, Klippert, Van Werven, and Young

AN ACT Relating to the crime of indecent exposure; and amending RCW 9A.88.010.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 9A.88.010 and 2003 c 53 s 92 are each amended to read as follows:

(1) A person is guilty of indecent exposure if he or she:

(a) Intentionally makes any open and obscene exposure of his or her person or the person of another knowing that such conduct is likely to cause reasonable affront or alarm; or

(b)(i) Is a biological male and intentionally makes any open and obscene exposure of his person in a restroom facility that is designated for use by women; or

(ii) Is a biological female and intentionally makes any open and obscene exposure of her person in a restroom facility that is designated for use by men.

(2) The act of breastfeeding or expressing breast milk is not indecent exposure.

((~~(2)~~)) (3)(a) Except as provided in (b) and (c) of this subsection, indecent exposure is a misdemeanor.

(b) Indecent exposure is a gross misdemeanor on the first offense if the person exposes himself or herself to a person under the age of fourteen years.

(c) Indecent exposure is a class C felony if the person has previously been convicted under this section or of a sex offense as defined in RCW 9.94A.030.

(4) For purposes of this section, "restroom facility" includes any area in a public or private facility that is for toilet use, showering, dressing, or other personal sanitary functions, and is designated for use by a single sex or gender.

**--- END ---**