

LEGISLATIVE DIGEST

[Police Code - Prohibiting Public Nudity]

Ordinance adding Section 154 to the San Francisco Police Code, to prohibit nudity on public streets, sidewalks, street medians, parklets, plazas, and public rights-of-way, and on public transit vehicles, stations, platforms, and stops, except as part of permitted parades, fairs, and festivals.

Existing Law

Police Code Section 1071.1 (Regulating Public Nudity in Restaurants and Public Seating Areas) currently regulates the public nudity of waiters, waitresses, entertainers, and customers in restaurants and of people who sit on public benches, steps, or other public seating areas without clothing or other material as a barrier between certain of their body parts and the public seating.

Both the Park Code and the Port Code provisions regarding “disorderly conduct” prevent members of the public ages 5 and up from exposing certain body parts on Recreation and Park or Port property. (Park Code §4.01(h); Port Code §3.1(H).)

Amendments to Current Law

The proposed Ordinance would amend the Police Code to prevent any individual from exposing his or her genitals, perineum, or anal region on any public street, sidewalk, street median, parklet, plaza, and public right-of-way, or in any public transit vehicle, station, platform, or stop, except as part of permitted parades, fairs, and festivals or when the individual is under the age of five. The fine for a violation shall not exceed one \$100 for a first violation, and shall not exceed \$200 for a second violation within twelve months of the first. A third or subsequent conviction within twelve months of the first violation will be an infraction or a misdemeanor. If the District Attorney charges the violation as an infraction, upon conviction, the fine shall not exceed \$500. If charged as a misdemeanor, upon conviction, the punishment shall be a fine not to exceed \$500 or imprisonment in the County Jail for no more than one year, or both.

A violation of the proposed Ordinance would not require lewd or sexually motivated conduct as is otherwise required under California Penal Code Section 314.