



Enforcement of 154 MPC Prohibiting Public Nudity

The Board of Supervisors recently adopted Municipal Police Code Section 154, prohibiting public nudity. The ordinance became effective February 1, 2013.

1. **Prohibition.** Section 154(b) states:

“A person may not expose his or her genitals, perineum, or anal region on any public street, sidewalk, street median, parklet, 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 stop of any government operated transit system in the City and County of San Francisco.”

A person is in violation of Section 154(b) only if the person is exposing his or her genitals, perineum or anal region. *Exposing the breasts only is not a violation.* A person is in violation only if the person is exposing one or more of the specified body parts while in an area expressly identified in Section 154(b), e.g., public street, sidewalk, etc. Section 154(b) does not apply on the steps of City Hall.

A violation of this Section does not require lewd or sexually motivated conduct as required under the indecent exposure provisions of the Penal Code.

2. **Exemptions.** Under Section 154(c), the prohibition on public nudity does not apply to:

- a. Any person under the age of five years; or
- b. Any permitted parade, fair, or festival held under a City or other government issued permit.

3. **Enforcement.** Officers responding to a complaint of public nudity or observing a violation of 154(b) MPC shall follow the procedures specified below:

- a. Confirm the violation of 154(b) MPC.
- b. Admonish the suspect that he or she is in violation of 154(b) MPC and advise that he or she has five minutes to cover his or her exposed genitals, perineum or anal region, as applicable, or be issued a citation.
- c. If the suspect complies, no further action is required.

- d. If the suspect does not comply, issue a citation to the suspect. If the suspect is unable or unwilling to provide satisfactory identification or refuses to sign the notice to appear, officers may take the suspect into custody. Because violation of 154(b) MPC is an infraction, under 853.5 PC officers may not take the suspect into custody for any other reason, including but not limited to a continuing offense or safety considerations.
- e. If there is no basis to take the suspect into custody after issuing the citation, leave the scene, even if the suspect remains in violation of 154(b) MPC. If there is a subsequent complaint regarding the suspect, return and issue another citation if warranted.
- f. If the suspect is taken into custody and transported, attempt to place something on the seat of the wagon or patrol car to prevent contact with the suspect's genitalia. Take the same precautions at the station.
- g. If the suspect is released from the station, ensure that he or she is provided with something to cover his or her genitals, perineum and anal region.
- h. Officers **shall** write a police report for all cites under 154 MPC. The report shall specify the suspect's exposed body part(s), the fact of the exposure, and the location of the suspect at the time of citation or arrest, e.g., sidewalk, transit station, or other location specified in 154(b). If the suspect is taken into custody for failure to provide satisfactory identification or sign the notice to appear, the report shall include that information.
- i. A first and second violation of 154 MPC is an infraction. If officers determine that a suspect has two prior convictions for violating 154 MPC within 12 months of the first violation, officers may arrest the suspect for a misdemeanor violation, and may take the suspect into custody if authorized under 853.6 PC.


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Chief of Police