

HB 160 - AS INTRODUCED

2023 SESSION

23-0610

04/05

HOUSE BILL **160**

AN ACT relative to public display of chest.

SPONSORS: Rep. Hynes, Hills. 2; Rep. Read, Rock. 10

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill provides that the public display of a person's chest or nipple shall not be a criminal violation and voids any municipal ordinance adopted that is contrary to this provision.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to public display of chest.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Paragraph; Public Indecency and Lewdness. Amend RSA 645:1 by inserting after
2 paragraph III the following new paragraph:

3 IV. It shall not constitute a violation of this section, nor shall it be an offense under any
4 provision of this title, for any person to display their chest or nipple in public. Any municipal
5 ordinance adopted that is contrary to this paragraph shall be void and without effect.

6 2 Effective Date. This act shall take effect 30 days after its passage.

REGULAR CALENDAR

February 3, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Criminal Justice and Public Safety to which was referred HB 160,

AN ACT relative to public display of chest. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Jennifer Rhodes

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 160
Title:	relative to public display of chest.
Date:	February 3, 2023
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The bill is requesting the state to interfere in regulating municipal ordinances. We believe there could be unintended consequences of such a bill. The sponsor took his grievance to the local court and then to the supreme court, in which each ruled against him. We believe every town and city is unique, and they create ordinances based on the make-up and the wishes of the local people.

Vote 14-6.

Rep. Jennifer Rhodes
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

HB 160, relative to public display of chest. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jennifer Rhodes for the **Majority** of Criminal Justice and Public Safety. The bill is requesting the state to interfere in regulating municipal ordinances. We believe there could be unintended consequences of such a bill. The sponsor took his grievance to the local court and then to the supreme court, in which each ruled against him. We believe every town and city is unique, and they create ordinances based on the make-up and the wishes of the local people. **Vote 14-6.**

REGULAR CALENDAR

February 3, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Criminal Justice and Public Safety to which was referred HB 160,

AN ACT relative to public display of chest. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. Jason Janvrin

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 160
Title:	relative to public display of chest.
Date:	February 3, 2023
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

NH is a Dillon rule state. Subdivisions of the state are barred from doing anything not authorized by the General Court by statute or by the NH Constitution. Public display of the chest is not a violation of state law and the General Court has not authorized subdivisions of the state to regulate it. What is lawful conduct in Hampton beach, Conway, or Keene should also be lawful conduct in Laconia. The minority of the committee recommends this bill Ought to Pass to prohibit regulation of this conduct by subdivisions of the state.

Rep. Jason Janvrin
FOR THE MINORITY

REGULAR CALENDAR

Criminal Justice and Public Safety

HB 160, relative to public display of chest. **OUGHT TO PASS.**

Rep. Jason Janvrin for the **Minority** of Criminal Justice and Public Safety. NH is a Dillon rule state. Subdivisions of the state are barred from doing anything not authorized by the General Court by statute or by the NH Constitution. Public display of the chest is not a violation of state law and the General Court has not authorized subdivisions of the state to regulate it. What is lawful conduct in Hampton beach, Conway, or Keene should also be lawful conduct in Laconia. The minority of the committee recommends this bill Ought to Pass to prohibit regulation of this conduct by subdivisions of the state.

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 160

BILL TITLE: relative to public display of chest.

DATE: January 19, 2023

LOB ROOM: 202-204 **Time Public Hearing Called to Order:** 10:45 a.m.

Time Adjourned: 11:03 a.m.

Committee Members: Reps. Janvrin, D. Mannion, Reid, Stone, Tenczar, Harriott-Gathright, Meuse, Bouldin, N. Murphy, R. Newman, Newell and Selig

Bill Sponsors:

Rep. Hynes

Rep. Read

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep Dan Hynes introduces his bill

- This bill codifies state law. Our state has already determined a bare chest does not constitute a crime but some towns don't like that and have made local legislation to indicate otherwise
- NH Supreme Court ruled against this case 3-2, US Supreme Court did not take the case but asked AG to respond
- Chairman Roy asks for the documentation of the appeal to Supreme Court and the response from the AG
- Rep Sytek asks Rep Hynes if this issue is so monumental that we have to override local control. Rep Hynes says that localities are being discriminatory in how they apply these restrictions. The legislature has the power and ability to give and take away local control. Someone should not be a criminal for something in Laconia that is legal in Hampton.
- Rep Rhodes asks if this bill would make it so any woman in the State House could come in topless and that would be legal, Rep Hynes states that House session would be subject to house rules but current law already allows women to be topless in public
- Rep Newman asks for clarification that businesses could still set their own rules and guidelines for customers, Rep Hynes says yes this would not apply to local businesses
- Chairman Roy asks how this would apply to venues for example during bike week, Rep Hynes says if it is a privately owned business this would not be applicable.
- Rep Newman asks for clarification that this bill would prevent all towns from creating these ordinances, Rep Hynes says yes
- Rep Selig asks for clarification if there is equity under the current ordinances, Rep Hynes says no there is not as females are specifically targeted and everything is under the discretion of responding officers. Rep Selig asks for follow up if people breastfeeding can

be cited under these ordinances, Rep Hynes says no as this is protected by other statutes

Jeffrey Yunes

- In support of bill
- Research scientist at a small nonprofit
- These ordinances are insinuating that women's bodies are harmful and they should be primarily viewed as sex objects, promotes unhealthy attitudes towards women and their bodies
- Nudity is not illegal because it's harmful but because some people are uncomfortable by those who act differently. Offending others by being different is not a crime.
- Protecting individual liberties, especially in cases like this where the law is discriminatory, overrides concerns about local control

Respectfully submitted,

Rep. Alissandra Murray, Clerk

House Remote Testify

Criminal Justice and Public Safety Committee Testify List for Bill HB160 on 2023- Support: 17 Oppose: 2 Neutral: 0 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>
Favolise, Jacob	Keene, NH jf1257@keene.edu	A Member of the Public	Myself	Oppose	No	No
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Oppose	No	No
Kaw-uh, Bryce	Manchester, NH bryce.kawuh@gmail.com	A Member of the Public	Myself	Support	No	No
mardis, erin	sandwich, NH erinmfalwell@gmail.com	A Member of the Public	Myself	Support	No	No
AXELMAN, ELLIOT	Hooksett, NH alu.axelman@gmail.com	A Member of the Public	Myself	Support	No	No
Morton, Robert	Atkinson, NH bbmorton8@msn.com	A Member of the Public	Myself	Support	No	No
Craig, Kevin	Lancaster, NH kbcraig@gmail.com	A Member of the Public	Myself	Support	No	No
Schaefer, Rose	Newmarket, NH rosem014@gmail.com	A Member of the Public	Myself	Support	No	No
Gardner, Clarence	Weare, NH clarence@silcom.com	A Member of the Public	Myself	Support	No	No
Mannion, Tom	Pelham, NH tom.mannion@leg.state.nh.us	An Elected Official	Myself	Support	No	No
Adams, Eric	North Ferrisburgh, VT ehadams@gmavt.net	A Member of the Public	Myself	Support	No	No
Moulton, Martin	Rodeo, CA MrMoultonLP@gmail.com	A Member of the Public	Myself	Support	No	No
McCalmont, Drew	Hollis, NH dmmccalmont@gmail.com	A Member of the Public	Myself	Support	No	No
Williams, Devon	Portland, OR thevideogameraptorboggle@gmail.com	A Member of the Public	Myself	Support	No	No
Brown, Joseph	Grafton, NH gencourt@smithriverenergy.com	A Member of the Public	Myself	Support	No	No
Termini, Marcella	Manchester, NH marcellatermini@gmail.com	A Member of the Public	Myself	Support	No	No
Proulx, Derek	Derry, NH Derek.proulx1815@gmail.com	A Member of the Public	Myself	Support	No	No
Hayes, Colleen	Claremont, NH colleenannahayes@gmail.com	A Member of the Public	Myself	Support	No	No
Yunes, Jeffrey	Portsmouth, NH jeff@yunes.us	A Member of the Public	Myself	Support	No	No

From The Desk of
Martin Moulton
Dartmouth College Class of 1988
MrMoulonLP@gmail.com
@YeshayahuXX2 (twitter)

To : New Hampshire House Criminal Justice & Public Safety Committee
Re : **Bipartisan House Bill 160** Title “**relative to public display of chest**”
10:45am, Thursday 19 January 2023 Public Hearing
Legislative Office Building 202-204
(Date Introduced: 4 January 2023 ; Due out of Committee: 16 March 2023)

Honorable Chair Terry Roy (@NHGOP Rockingham District 32),
Honorable Vice Chair Jennifer Rhodes (@NHGOP Cheshire District 17),
& Honorable Bipartisan Committee Members & Staff :

I am an African American Male. Before graduating Dartmouth College, I routinely rolled around Hanover by bicycle & often biked with or to meet friends for outings in the surrounding countryside. Sometimes, in inclement weather, I wore warm & or water-resistant gear; during warm Spring Summer & Autumn months, I routinely biked Topless with My Male Chest Publicly Displayed. To presume than any Female should not have the same choice, liberty & right — which I enjoyed without contention then, previously as a child, & now at a 56y/o resident of California — anywhere in Our Nation, reportedly “the land of the free,” much less in The Granite “¿Live Free or Die?” State of New Hampshire where I studied among some of the brightest Minds in the World — Male & Female — wreaks of brazen tyrannical **BIGOTRY** of *supposedly* bygone eras & infantilizes & perpetuates the denigration of WOMEN which has persisted since perhaps the very founding of Western Civilization & horrifically since early decades of The United States when govt officials giddily Publicly BBQ’d & Lynched WOMEN — over specious accusations — Blessed with the self esteem & temerity to disobey dumb rules & rulers.

STOP IT. TODAY.

Our God-Blessed ProCreative Tools & Organs are designed to **Produce & Nurture LIFE & Perpetuate Our Species.** They are not obscene. In 2002, @Pontifex John Paul II reiterated His previous declaration to clarify centuries-old Vatican Doctrine:

“Because God created it, **‘The human body can remain nude & uncovered & preserve intact its splendor & its beauty.** ... Nakedness as such is not to be equated with physical shamelessness. ... Immodesty is present only when nakedness plays a negative role with regard to the value of the person. ... The human body is not in itself shameful. ... Shamelessness (just like shame & modesty) is a function of the interior of a person.”
— Pope John Paul II, Love & Responsibility 2002

Women should not have shame about their bodies, any more than Men, codified into law. Many Mothers need to Breastfeed their Infants whenever such nutrition is needed — even when in public spaces. This is a primary reason why in The Nation’s Capital, where I resided for decades, & in San Francisco — beyond simple Gender Equality — it Must Not Be a Criminal Offense for any Woman to display Her Chest in Public but a matter of Personal Choice. The Catholic Church dignifies The Human Body as a Creation of God & thusly Divine & thusly its Public Display is an Inalienable Liberty Granted By The Almighty & thusly **NOT** subject to mortal tyranny or at the mercy of Your audacious presumptuous authority.

From The Desk of
Martin Moulton
Dartmouth College Class of 1988
MrMoulonLP@gmail.com
@YeshayahuXX2 (twitter)

Furthermore, both in terms of dignifying The Abject Poor, who might be clothesless, to respecting Spiritually Religious Ascetics* — as with Renunciate Jains of Indian origin or conversion & as noted by iconic American Transcendentalist HD Thoreau — who are revolted by unnatural vain elitist materialistic customs as well as those rulers who seek to impose mandates upon others on behalf of their corporate sponsors (in this case textile industries), The Vatican has properly championed Public Social Nudity in Doctrine as well as enshrined Nudism in it's own temples in Art by Michelangelo et al.

"What spirit is so empty & blind that it cannot grasp the fact that a human foot is more noble than the shoe & the human skin more beautiful than the garment with which it is clothed?"
— Michelangelo

"Wilderness is usually considered to be something good & in need of preservation. ... We cannot adequately appreciate this aspect of nature if we approach it with any taint of human pretense. It will elude us if we allow artifacts like clothing to intervene between ourselves & this Other. To apprehend it, we cannot be naked enough."
— Henry David Thoreau

So, whether as a simple **Constitutionally Protected** Freedom of Religious Expression, Personal or Artistic Expression, for Health, Connecting with Nature, or simply Exercise & Fun, You Must Not codify & impose the baseless sentiments of any group of Bigots upon any other group of Peaceful Individuals — much less historically misrepresented & underrepresented Women who might need or prefer to display their Bare Chests Whenever & Wherever They Choose. **Bare Chests (of Women) DO NO HARM** any more than My Bare Male Chest has ever done in My entire Lifetime.

In the "Bible Belt" State of Kansas, per media reports*, Public Nudity has been a protected Inalienable Liberty for Decades & NO inherent Public Safety harms have been caused by Nudity or Women's Bare Chests. (*See: 12 January 2023 post from George Davis @nudeactivism including 2014 video quote from @KansasGOP Rep @RamonGonzalezKS District 47).

Since I now reside in the San Francisco Bay Area with Family, I can also attest to & verify the Fact that there are many retail merchants in San Francisco (See attachments : Page 3) who have Happily & Warmly Welcomed Nudists (including Bare Chested Women) into their shops & restaurants for Years — without any problems resulting. I can provide My own current photographic Evidence from the just the past four years upon request.

No Harm, No Foul, No Need for a Criminal Justice & Public Safety Committee edicts, laws, codes, regs, meddling, interference or obstruction of Human Liberty. You already have laws against violence.

VOTE for Liberty & Justice for ALL TODAY — NOT on the side of BIGOTS who think WOMEN are TOO DUMB to Make their Own Choices in Life & Are Not Worthy of EQUALITY With Men.

Thank You for Your Time & Consideration. God Bless America.

* Read: "**Asceticism**" <https://en.wikipedia.org/wiki/Asceticism> (wrt : Buddhism, Jainism, Hinduism, Islam, Christianity, Judaism, etc)

Examples of San Francisco, California USA's Voluntarily* “Bare-Chested-Women”- & “Nudist”-Welcoming Business Community which has existed & been growing in number for many Years.**

Photos taken in 2022 by Martin Moulton in San Francisco, California USA

Nudist / Naturist / Clothing-Optional / Human Friendly

** BUSINESS COMMUNITY **

Hot Cookie Bakery
 (with erotic treats!)
 407 Castro St
 Opens at 11:00am
 hotcookie.com

Castro Smoke House
 409 Castro Street
 Opens at 10:30am
 castrosnokehouse.com

Double Rainbow
 Ice Creamery
 415 Castro Street
 Opens at 12:00pm
 doublerainbow.com

Chadwick's Takeout
 2375 Market Street
 Open 11:00am-3:00pm
 chadwickssf.com

Castro Liquor & Wine
 2416 Market Street
 Opens at 7:00am

Pizzalicious
 417 Castro Street
 Opens at 4:00pm
 orderpizzalicious.com

Taco Boys
 2312 Market Street
 Opens at 11:00am
 tacoboys.net

Tanglad
 Vietnamese Cuisine
 468 Castro Street
 Opens at 11:00am
 places.singleplatform.com/
 /tanglad/menu

Phantom
 Adult Gift Shop
 516 Castro Street
 Opens at 10:00am

Philz Coffee
 549 Castro Street
 Opens at 6:00am
 philzcoffee.com

Peet's Coffee
 2257 Market Street
 Opens at 5:30am
 order.peets.com



Gyro Xpress
 499 Castro Street
 Opens at 10:00am
 gyroexpresssf.com

Knobs
 Mens Gift Shop
 518 Castro Street
 Opens at 10:00pm
 knobssf.com

Rock Hard
 Adult Gift Shop
 518 Castro Street
 Opens at 10:00am

Does Your Mother Know
 Adult Gift Shop
 4141 18th Street
 Opens at 10:00am

Family Posh Bagel
 495 Castro Street
 Opens at 7:00am
 familyposhbagelsf.com

Blush! Wine Bar
 476 Castro Street
 Opens at 3:00pm
 blushwinebar.com

Eureka Sky
 Medicinal/Recreational
 Cannabis Dispensary
 3989 17th Street
 Opens at 10:30am
 eureka-sky.com

Aegean Delights
 545 Castro Street
 Opens at 11:00am
 aegeandelights.com

Buffalo Whole Food & Grain Company
 598 Castro Street
 Opens at 8:00am
 buffalowholefoods.com

Piedmont Boutique
 1452 Haight Street
 Opens at 11:00am
 piedmontboutique.com

Coffee Cantata
 Coffee & Gelati & More!
 1708 Haight Street
 Opens at 7:30am

Coffee OutThere & 710 Collective
 1644 Haight Street
 Opens at 12:00pm/Noon
 coffeoutthere.com &
 seventencollective.com

Goodwill Store
 1700 Haight Street
 Opens at 11:00am
 sfgoodwill.org

Bebebar
 Brazilian Bites & Bevs
 3809 18th Street
 Opens at 10:00am
 bebebar.com

MrsLeather
 Adult Fun/Fetish Emporium
 385 8th Street
 Opens at 12:00pm/Noon
 @MrsLeather

Archimedes Banyas
 CoEd International Spa
 748 Innes Avenue
 Open at 10am
 banyasf.com

Per @sfBos(esses)/CityHall codes,
 Nudists **must** use a “barrier”
 (eg: folded clothing) if SEATED
 on any surface that is not your
 own property (eg: bike).

Pssst ... ! nudism is freedom - embrace yourself - life is too short to do otherwise
every body is a nu-dist! (some are just in the closet)
 join the fun!



* No intrusive meddling govt laws codes regs or signifying flags needed
 among **unbigoted** merchants who treat all their customers with dignity & respect.

** You will find **ZERO** Criminal Charges filed against customers for simple Nudism by these
 merchants. No Harm, No Foul, No Need for a Criminal Justice & Public Safety Committee
 edicts, laws, codes, regs, meddling, interference or obstruction of Human Liberty & Commerce.

2023-01-18

Hello Criminal Justice and Public Safety Committee:

I'm writing in support of HB160 (2023). New Hampshire's public decency laws are stuck in a long-gone puritanical era.

Breast-feeding in public is accepted and toplessness of both males and females is accepted at beaches, including Hampton Beach. Vermont has no state-wide laws against public nudity and bedlam does not ensue. I have visited many places in Northern Europe where both public nudity and co-ed changing rooms are extremely common and again there is no issue.

I recognize that men and women are intrinsically and biologically different, however, I also believe that men and women should be given equality of opportunity. This extends to equal opportunity of men and women to publicly display anatomically comparable areas of skin. It is not the proper role of a free government to stipulate what to wear in public spaces. This includes face masks, underwear, shirts, burkas, etc.

Lastly, with respect to criminal justice, the more rules we have on the books, the more criminals we create. Criminally punishing people who prefer toplessness is a disproportionate response to a benign activity.

I ask that the committee continue the Live-Free-or-Die spirit of New Hampshire and give HB160 an ought to pass recommendation.

Regards,

A handwritten signature in cursive script that reads "Drew McCalmont". The signature is written in dark ink and is positioned below the "Regards," text.

Drew McCalmont

Hollis, NH

Daniel Richardson

If this passes, get ready for major increase in routine sex molestation and groping of young females who display. The bill represents an open invitation to first base. High School will never be the same. Productivity at the workplace will plummet from sexual fantasy. Unrestrained bodily fluid from pregnant women will be unhygienic and, if virally infectious, a public health hazard.

Bryce Kaw-uh

It is ridiculous that we criminalize this in the Live Free or Die state.

erin mardis

An individual's right to self-ownership and freedom of expression are fundamental. Many people enjoy being nude for fun, health, expression, art, connecting with nature, and comfort. Ironically, in the Free State of New Hampshire, government clothing mandates dictate that residents and visitors must be dressed.

ELLIOT AXELMAN

While I am personally very conservative and would not appreciate seeing women walking around topless in all public areas, I cannot justify delegating the authority to the government to criminalize victimless behavior nor can I stand by while politicians and police criminalize bodily autonomy. Please support HB160. Thank you.

Robert Morton

. I am generally in favor of tasteful nudity in public places such as beaches. I am not opposed to, as in Florida, set aside a specific area for clothing optional swimming and sunning. I realize that this bill is not concerning total nudity so as far as this bill is concerned, I do not believe that allowing women to go topless should require that drastic a measure. After all, there are many men who have breasts larger than many women and they are not required to cover up nor are they required to be in a special part of the beach or anywhere. I am positive that when this bill passes there will be folks who will be shocked to see the first topless woman but like many shocking things, it will wear off. Let's face it, the first time that people were exposed to a thong bikini and they saw a person's buttocks was shocking but people soon realized that everyone has one and it is not necessarily lewd. The same thing will happen with exposed breasts.

Kevin Craig

Nipples are nipples. Chests are chests. The state should not discriminate by sex.

Rose Schaefer

I support HB160, which gives women the right to be topless, because I believe in the autonomy of individuals to make decisions about their own bodies. While I personally may not choose to be topless, I believe that all women should have the right to do so without fear of prosecution. Being topless is a victimless crime and should not be treated differently for women than it is for men.

Clarence Gardner

To the members of the House Criminal Justice and Public Safety committeeRe: HB160 I write to ask you to recommend approval of this bill. It is time to stop treating half of our population as second class citizens. Requiring a woman to cover her chest is like our society's answer to the burka. It is absurd that we have police officers patrolling beaches seeking out a woman's breast while men are topless all around. Some will say that a topless woman will incite men to mass rape. Obviously that's hyperbole, but it's already known not to be a problem in parts of the world where men and women are topless together and it's not a big deal. I could point out that, while I can enjoy the beauty of all people, I've never felt the need to molest a shirtless man. The people I left behind when I moved to New Hampshire know that we're proud to live in the Live Free or Die state. Obviously we all know that that's not literally true, but it's an ideal to strive for. I'm embarrassed when such simple basic freedoms are denied, and even worse, denied unequally. And to state the obvious, nobody's trying to require women or men to take their tops off. Covering up is a beautiful freedom also, and most do and will continue to do so. Again, please recommend approval of what I'll call the Equal Recreation in the Sun bill!

Tom Mannion

While 645:1 does not seem to specifically outlaw toplessness (of either sex), "gross lewdness" does appear to be vague and open to interpretation. I don't believe New Hampshire should be applying laws differently to different sexes, either. Please vote OTP on HB160 for clarity, equal application of the law.

Eric Adams

As someone who visits with

Devon Williams

Nudism is wholesome and healthy, and anyone who says otherwise is old and wrong.

Joseph Brown

This is a common sense bill which closes a loophole that has allowed towns to engage in behavior which the legislature never authorized.

Jeffrey Yunes

Thank you Chairman for giving me the chance to speak, and to the committee for their time and consideration. Thanks to the sponsors of this bill, who bravely worked across the aisle on an issue that some people might consider insignificant or taboo, but fixes a flaw in the law that treats many people as second class citizens. My name is Jeffrey Yunes. I am a resident of Portsmouth. I am a research scientist at a small nonprofit, founded the small activist group Porcupine Nudists and the new Body Freedom Action Network, and am an active member in the Free State community.

While I want to talk about the issue of whether this State law should override the local law, I first want to talk about why this issue is important.

There are many practical reasons why people prefer to be shirtless - like to swim, or when it's hot, or at the beach, to paint on words of support for a sports team, or to avoid getting clothes dirty when gardening. And, there are more esoteric reasons why people shed their clothes, such as to feel liberated, to connect with nature, for expression, to help promote body positivity, or help become more comfortable with their bodies.

But there is something more sinister about government clothing mandates and bans on woman being shirtless. First of all, they are obviously discriminatory. I can't imagine having to wear a shirt in a hot tub. With these laws, the government is insinuating that a women's body is harmful, especially to children. It's insinuating that the other reasons I gave for being shirtless are unimportant, and that woman's bodies should be viewed primarily as sex objects. These laws infantilize woman by saying they need to be protected from men and can't make decisions about their own bodies. And it promotes unhealthy attitudes towards women and the human body.

Are we the Live Free or Die State, or the State that take's away women's rights because some people are offended by the human body?

Furthermore, there is no evidence that simple nudity is harmful, and there's plenty of evidence to the contrary. It's considered enriching in art and health science textbooks, but strangely the same people are offended by the same content in other contexts.

Toplessness is currently not illegal in most of NH, and the local ordinances are relatively recent. It's legal in several other states. Neighboring Vermont doesn't have a State law banning nudity at all.

We've already experienced legalization. For example, men had to fight for the right to be shirtless in the 30's, there is a famous picture of a police officer measuring the length of a swimsuit on a women, and more recently (1999), breast feeding was legalized in NH. All of these incremental changes were

initially met with moral alarmism, but I think we all agree they were positive changes.

Nudity is not really illegal because it is harmful, but because some people feel uncomfortable by others that act differently. What is harmful is giving in to the least tolerant people in society, and upholding the legal doctrine that offending others by being different is a crime.

This bill is very simple, but it does two things. First, it clarifies that shirtlessness does not fall under the State's indecent exposure law. Second, it prevents local governments from passing such an ordinance.

I'd like to address one valid concern of the bill: that perhaps local government should make these decisions rather than the State government. I also prefer local government over broader, State government. However, protecting individual liberties is important to individuals and the State alike, especially in cases like this related to discrimination.

The issue of women's right to be topless touches on many constitutional issues: 1st Amendment expression and potentially even the establishment clause, equal rights, equal protections, and even due process, since the State and local laws are vague and people can be unfairly harassed by law enforcement. There are pending cases in several states, and the 10th Circuit has ruled the bans were unconstitutional while the 7th Circuit has upheld the bans. Mr. Hynes petitioned the Supreme Court over the constitutionality of the Laconia ordinance, and NH asked the US to let us decide the matter for ourselves. All of this legal uncertainty has a chilling effect on women's expression and equal rights. So, let's fix it here.

Thank you for your time. I'm happy to try to answer any questions or address any concerns.



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2023 9:55:43 AM
Roll Call Committee Registers
Report

2023 SESSION

Criminal Justice and Public Safety

Bill #: 160 Motion: ZTL AM #: _____ Exec Session Date: 2/3/23

Members	YEAS	Nays	NV
Roy, Terry Chairman	14		
Rhodes, Jennifer M. Vice Chairman	1		
Pratt, Kevin M.	2		
Sytek, John Hill	3		
Proulx, Mark L. Sellers	4		
Janvrin, Jason A.		1	
Mannion, Dennis	5		
Reid, Karen A	6		
Stone, Jonathan F.	7		
Tenczar, Jeffrey	8		
Harriott-Gathright, Linda C.	9		
Meuse, David	10		
Bouldin, Amanda C.		2	
Bradley, Amy Clerk	11		
Murphy, Nancy A.	12		
Newman, Ray E.	13		
Murray, Alissandra		3	
Newell, Jodi K		4	
Selig, Loren		5	
Wheeler, Jonah O		6	
TOTAL VOTE:	14	6	