

When You Go Nude on Public Land, Know the Law

Many of you have asked questions about the possible consequences of being cited for nudity at a California State Beach or at a hot springs, or when hiking on State Park land. Here's what you need to know:

The California Code of Regulations Title 14 contains the rules that the public must follow within the California State Parks. CCR section 4322 regulates nudity within the State Parks. It states following:

“Nudity. 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 or 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.”

Section 4322 is a public nudity regulation and should not be confused with indecent exposure or lewd conduct. Since it only addresses the issue of simple nudity such as sunbathing or skinny-dipping, it is not a registerable sex offense.

Section 4322 can be cited as either an infraction, or a misdemeanor. The fine for an infraction is about \$200 and about \$400 for a misdemeanor. These fines are about the same as for littering or excessive noise in the park.

Being cited for nudity at the beach is actually quite minor, especially if you are dedicated to fighting for what you believe in. I believe we should stand our ground, and I encourage people to not just pay the fine.

If you are cited, get the officer's name and badge number possible, then call my office right away. Sometime we find there is just a rogue cop who likes to give nudists tickets, and so we have a potential case of harassment. Sometimes the order has come from higher up the command chain, and if so, we need to know that also so we can take appropriate action. I can explain the legal options and may be able to help you handle the situation or recommend someone in your area who can provide good knowledgeable advice. Don't wait until you are about to appear in court! I strongly encourage you to contact me immediately after being cited so we have time to prepare. I can be reached at: [714-962-0915](tel:714-962-0915) or email me at rab@baylislaw.com.