

Chairman Luker:

Greetings. This is Daniel Truscott. I testified in front of your committee last year on the minimum mandatory drug laws, and informed you of my experience as a criminal defense attorney in Idaho, with 25 years of experience. I am very disturbed by a piece of proposed legislation that is set for hearing on Thursday, HB377 (making solicitation a FELONY!) Unfortunately, once again the religious zealots have proposed a law which is absolutely absurd in the context of a consensual agreement between adults. Solicitation is already a crime in Idaho, and, as in all other 50 states, properly a misdemeanor. This HB 377 would make Idaho the ONLY state in the nation to treat even a first time offender as a felon, and the ridiculously loose definition of "sexual conduct" would give prosecutors unfettered discretion to strong arm people to plead guilty even if they were innocent. This is just a really BAD bill with no purpose or relation to "sex trafficking" and just another attempt by the religious right to impose their definition of "morality" on everyone else. There's no reason in the world Idaho has to be the only state to make this conduct a felony. This bill would be used by prosecutors to destroy lives, and give yet an already over-loaded judiciary even more nonsense 'felonies' to deal with. Most afternoons, the district courts are swelled to over-full with case after case after case and we often wait hours just to hear our cases, with morning calendars often spilling over into the afternoons. Adding even more "felonies" to this mix would be just absurd, and address a problem that is not anywhere near a level that such a draconian measure should even be considered. In 25 years as a lawyer, I've seen one, what I would even possibly consider, 'sex-trafficking' case, like 10 years ago, that involved a chinese massage parlor. This is an absurdly over-blown response to what is simply not a big problem, at least not in Idaho. And the definition of "solicitation" could encompass all kinds of innocuous behavior that has nothing to do with "sex-trafficking". PLEASE PLEASE PLEASE do NOT vote for this right-wing, religious fanatic garbage. Solicitation is already a crime, and there is no reason whatsoever to make it a felony, contrary to every other state in the union! Making every crime a felony just multiplies the judicial and court resources needed to deal with all of this forced morality nonsense, and eventually results in all kinds of added costs and drain on our tax dollars and government employees. There is simply no reason why a first-offender in this context should be subjected to MORE than a year in jail and have their lives and families destroyed by a felony charge. Felonies should be reserved for the most serious offenses, and there are plenty of felonies already on the books to deal with true "sex-trafficking" situations against the pimps and establishment owners. Subjecting ordinary Idaho citizens to these absurd penalties for a moment of indiscretion, even if they are guilty, is just a punishment that far outweighs the conduct, and every other state recognizes that. I've attached the 50 state chart you may have already seen. Please do not let this nonsense bill pass!

Sincerely,

Daniel M. Truscott

208-333-8810

	State	Penalty for Prostitutes (Crime Classification)	Penalty for Customers (Crime Classification)	Penalty for Pimps (Crime Classification)	Penalty for Brothel Owners (Crime Classification)
1	Alabama	Up to 1 yr and/or \$6,000 (Class A misdemeanor)	Up to 1 yr and/or \$6,000 (Class A misdemeanor)	1-10 yrs and/or \$15,000 (Class C felony)	1-10 yrs and/or \$15,000 (Class C felony)
2	Alaska	Up to 90 days and/or \$2,000 (Class B misdemeanor)	Up to 90 days and/or \$2,000 (Class B misdemeanor)	Up to 5 yrs and/or \$50,000 (Class C felony)	Up to 5 yrs and/or \$50,000 (Class C felony)
3	Arizona	1st offense 15 days, 2nd 30 days, 3rd 60 days, 4+ offenses 180 days-1.5 yrs (First offense class 1 misdemeanor, 4 or more offenses are a class 5 felony)	Up to 30 days and/or \$500 (Class 3 misdemeanor)	18 months and/or \$150,000 (Class 5 felony)	18 months and/or \$150,000 (Class 5 felony)
4	Arkansas	Up to 90 days and/or \$500, then up to 1 yr and/or \$1,000 (First offense class B misdemeanor, subsequent offense class A misdemeanor)	Up to 90 days and/or \$500, then up to 1 yr and/or \$1,000 (First offense class B misdemeanor, subsequent offense class A misdemeanor)	Up to 1 yr and/or \$1,000 (Class A misdemeanor)	Up to 1 yr and/or \$1,000 (Class A misdemeanor)
5	California	Up to 1 yr and/or \$1,000 (Misdemeanor)	Up to 1 yr and/or \$1,000 (Misdemeanor)	3-6 yrs in a state prison (Felony)	3-6 yrs in a state prison (Felony)
6	Colorado	Up to 6 months and/or \$50-\$750 (Class 3 misdemeanor)	Up to 6 months and/or \$500, then 6-18 months and/or \$500-\$5,000 (First offense class 1 petty offense, 3+ offenses class 1 misdemeanor)	4-12 yrs and/or \$3,000-\$750,000 (Class 3 felony)	3 months-1 yr and/or \$250-\$1,000 (Class 2 misdemeanor)
7	Connecticut	Up to 1 yr and/or \$2,000 (Class A misdemeanor)	Up to 1 yr and/or \$2,000 (Class A misdemeanor)	1-10 yrs and/or \$10,000 (Class C felony)	1-10 yrs and/or \$10,000 (Class C felony)
8	Delaware	Up to 6 months and/or \$1,150	Up to 30 days and a minimum mandatory fine of \$500	Up to 5 yrs and/or a fine	Up to 5 yrs and/or a fine

		(Class B misdemeanor)	(Misdemeanor)	(Class E felony)	(Class E felony)
9	District of Columbia	First offense 1-90 days and \$500, 2nd 1-135 days and \$750, 3+ 1-180 days and \$1,000	First offense 1-90 days and \$500, 2nd 1-135 days and \$750, 3+ 1-180 days and \$1,000	Up to 5 yrs and/or \$5,000 (Felony)	Up to 5 yrs and/or \$5,000 (Felony)
10	Florida	First offense 2nd degree misdemeanor, 2nd offense 1 misdemeanor, 3+ offenses 3 felony	2nd degree misdemeanor-3 felony \$500 fine	3rd degree felony	First offense 2nd degree misdemeanor, subsequent offenses 1 misdemeanor
11	Georgia	Up to 1 yr and/or \$1,000 (Misdemeanor)	Up to 1 yr and/or \$1,000 (Misdemeanor)	Up to 1 yr and/or \$5,000 (Misdemeanor of a high and aggravated nature)	Up to 1 yr and/or \$5,000 (Misdemeanor of a high and aggravated nature)
12	Hawaii	30 days and/or \$500 (Petty misdemeanor)	30 days and/or \$500 (Petty misdemeanor)	Up to 5 yrs and/or \$10,000 (Class C felony)	Up to 5 yrs and/or \$10,000 (Class C felony)
13	Idaho	1-6 months and/or \$500, then 1-5 yrs (First offense misdemeanor, 3+ offenses are a felony)	1-6 months and/or \$500, then 1-5 yrs (First offense misdemeanor, 3+ offenses are a felony)	2-20 yrs and/or a fine of \$1,000-\$50,000 (Felony)	2-20 yrs and/or a fine of \$1,000-\$50,000 (Felony)
14	Illinois	Up to 1 yr and/or \$2,500 then 1-3 yrs and/or \$25,000 (First offense class A misdemeanor, subsequent convictions are a 4 felony)	Up to 1 yr and/or \$2,500 then 1-3 yrs and/or \$25,000 (First offense class A misdemeanor, subsequent convictions are a 4 felony)	Up to 1 yr and/or \$2,500 then 1-3 yrs and/or \$25,000 (First offense class A misdemeanor, subsequent convictions are a 4 felony)	Up to 1 yr and/or \$2,500 then 1-3 yrs and/or \$25,000 (First offense class A misdemeanor, subsequent convictions are a 4 felony)
15	Indiana	Up to 1 yr and/or \$5,000, then 6 months-3 yrs and/or \$10,000 (First offense class A misdemeanor, 3+ convictions are a D felony)	Up to 1 yr and/or \$5,000, then 6 months-3 yrs and/or \$10,000 (First offense class A misdemeanor, 3+ convictions are a D felony)	2-8 yrs and/or \$10,000 (Class C felony)	2-8 yrs and/or \$10,000 (Class C felony)
16	Iowa	Up to 2 yrs and/or \$500-\$5,000 (Aggravated misdemeanor)	Up to 2 yrs and/or \$500-\$5,000 (Aggravated misdemeanor)	Up to 5 yrs and/or \$750-\$7,500 (Class D felony)	Up to 5 yrs and/or \$750-\$7,500 (Class D felony)

17	Kansas	Up to 6 months and/or \$1,000 (Class B nonperson misdemeanor)	Up to 1 month and/or \$500 (Class C misdemeanor)	Up to 1 yr and/or \$2,500 then 1-5 yr and/or \$100,000 (First offense class A person misdemeanor then subsequent convictions are severity level 7)	Up to 1 yr and/or \$2,500 then 1-5 yr and/or \$100,000 (First offense class A person misdemeanor then subsequent convictions are severity level 7)
18	Kentucky	Up to 90 days and/or \$250 (Class B misdemeanor)	Up to 90 days and/or \$250 (Class B misdemeanor)	1-5 yrs and/or \$1,000-\$10,000 (Class D felony)	1-5 yrs and/or \$1,000-\$10,000 (Class D felony)
19	Louisiana	First offense up to 6 months and/or \$500, 2nd offense up to 2 yrs and/or \$250-\$2,000, 3+ convictions 2-4 yrs and \$500-\$4,000	Up to 6 months and/or \$500	5 yrs and/or \$5,000	5 yrs and/or \$5,000
20	Maine	Up to 6 months and/or \$1,000 then up to 1 yr and/or \$2,000 (First offense Class E crime, then consequent offenses class D crime)	Up to 6 months and/or \$1,000 then up to 1 yr and/or \$2,000 (First offense Class E crime, then consequent offenses class D crime)	Up to 1 yr and/or \$2,000 (Class D crime)	Up to 1 yr and/or \$2,000 (Class D crime)
21	Maryland	Up to 1 yr and/or \$500 (Misdemeanor)	Up to 1 yr and/or \$500 (Misdemeanor)	Up to 10 yrs and/or \$10,000 (Misdemeanor)	Up to 1 yr and/or \$500 (Misdemeanor)
22	Massachusetts	Up to 1 yr and/or \$500	Up to 2 1/2 yrs and/or \$1000-\$5000	5 yrs and \$5,000	5 yrs and \$5,000
23	Michigan	First offense up 93 days and/or \$500, 2nd offense up to 1 yr and/or \$1,000, 3+ convictions up to 2 yrs and/or \$2,000 (1-2 offense misdemeanor, 3rd offense felony)	First offense up 93 days and/or \$500, 2nd offense up to 1 yr and/or \$1,000, 3+ convictions up to 2 yrs and/or \$2,000 (1-2 offense misdemeanor, 3rd offense felony)	Up to 20 yrs (Felony)	5 yrs or \$2,500 (Felony)
24	Minnesota	First offense is up to 90 days and/or \$1,000, consequence offense is up to 1 yr and/or \$3,000	First offense is up to 90 days and/or \$500-\$1,000, consequence offense is up to 1 yr and/or \$1,500-\$3,000	Up to 15 yrs and/or \$30,000	Up to 15 yrs and/or \$30,000
25	Mississippi	6 months and/or \$200	6 months and/or \$200	6 months and/or \$200	6 months and/or \$200

26	Missouri	30 days-6 months and/or \$500 (Class B misdemeanor)	30 days-6 months and/or \$500 (Class B misdemeanor)	Up to 10 yrs and/or \$5,000 (Class C felony)	Up to 10 yrs and/or \$5,000 (Class C felony)
27	Montana	6 months and/or \$500	First offense up to 1 yr and/or \$1,000, consequence offense up to 5 yr and/or \$10,000	10 yr and/or \$50,000	10 yr and/or \$50,000
28	Nebraska	Up to 1 yr and/or \$1,000 (Class I misdemeanor)	First offense at least \$200, consequent convictions at least \$500 (First offense class I misdemeanor, subsequent offenses class IV felony)	Up to 5 yrs and/or \$10,000 (Class IV felony)	Up to 1 yr and/or \$1,000 (Class I misdemeanor)
29	Nevada See Section III below for legal prostitution	Up to 6 months and/or \$1,000 (Misdemeanor)	Up to 6 months and/or \$1,000 (Misdemeanor)	1-4 yrs and/or \$5,000 (Category D felony)	Up to 6 months and/or \$1,000 (Misdemeanor)
30	New Hampshire	Up to 1 yr and \$2,000 (Misdemeanor)	Up to 1 yr and \$2,000 (Misdemeanor)	Up to 1 yr and \$2,000 (Misdemeanor)	Up to 1 yr and \$2,000 (Misdemeanor)
31	New Jersey	First offense up to 6 months and/or fine, consequent convictions up to 18 months and/or fine (First disorderly persons offense, subsequent offenses crime of the fourth degree)	First offense up to 6 months and/or fine, consequent convictions up to 18 months and/or fine (First disorderly persons offense, subsequent offenses crime of the fourth degree)	3-5 yrs and/or fine (Crime of the third degree)	3-5 yrs and/or fine (Crime of the third degree)
32	New Mexico	First offense up to 6 months in a county jail and/or \$500, subsequent offenses up to 1 yr in a county jail and/or \$1,000 (First offense petty misdemeanor, subsequent offenses misdemeanor)	First offense up to 6 months in a county jail and/or \$500, subsequent offenses up to 1 yr in a county jail and/or \$1,000 (First offense petty misdemeanor, subsequent offenses misdemeanor)	Up to 18 months and/or \$5,000 (Fourth degree felony)	Up to 18 months and/or \$5,000 (Fourth degree felony)
33	New York	Up to 3 months and/or \$500	Up to 1 yr and/or \$1,000	Up to 7 yrs and/or \$5,000	Up to 7 yrs and/or \$5,000

		(Class B misdemeanor)	(Class A misdemeanor)	(Class D felony)	(Class D felony)
34	North Carolina	Up to 45 days and a fine (Class 1 misdemeanor)	Up to 45 days and a fine (Class 1 misdemeanor)	Up to 45 days and a fine (Class 1 misdemeanor)	Up to 45 days and a fine (Class 1 misdemeanor)
35	North Dakota	Up to 30 days and/or \$1,000 (Class B misdemeanor)	Up to 30 days and/or \$1,000 (Class B misdemeanor)	Up to 5 yrs and/or \$5,000 (Class C felony)	Up to 5 yrs and/or \$5,000 (Class C felony)
36	Ohio	Up to 60 days and/or \$500 (Third degree misdemeanor)	Up to 60 days and/or \$500 (Third degree misdemeanor)	Up to 180 days and/or \$1,000 (First degree misdemeanor)	Up to 180 days and/or \$1,000 (First degree misdemeanor)
37	Oklahoma	First offense 30 days-1 yr or up to \$2,500, 2nd offense 30 days-1 yr or up to \$5,000, consequent offenses 30 days-1 yr or up to \$7,500 (Misdemeanor)	First offense 30 days-1 yr or up to \$2,500, 2nd offense 30 days-1 yr or up to \$5,000, consequent offenses 30 days-1 yr or up to \$7,500 (Misdemeanor)	First offense 30 days-1 yr or up to \$2,500, 2nd offense 30 days-1 yr or up to \$5,000, consequent offenses 30 days-1 yr or up to \$7,500 (Misdemeanor)	First offense 30 days-1 yr or up to \$2,500, 2nd offense 30 days-1 yr or up to \$5,000, consequent offenses 30 days-1 yr or up to \$7,500 (Misdemeanor)
38	Oregon	Up to 1 yr and/or \$6,250 (Class A misdemeanor)	Up to 1 yr and/or \$6,250 (Class A misdemeanor)	Up to 5 yrs and/or \$125,000 (Class C felony)	Up to 5 yrs and/or \$125,000 (Class C felony)
39	Pennsylvania	First two offenses up to 1 yr, 3rd offense up to 2 yrs, and subsequent offenses up to 5 yr (1st and 2nd offense a 3rd deg. misdemeanor, 3rd offense a 2nd deg. misdemeanor, 4+ offenses 1st deg. misdemeanor)	First two offenses up to 1 yr, 3rd offense up to 2 yrs, and subsequent offenses up to 5 yr (1st and 2nd offense a 3rd deg. misdemeanor, 3rd offense a 2nd deg. misdemeanor, 4+ offenses 1st deg. misdemeanor)	Up to 7 yrs (3rd deg. felony)	Up to 7 yrs (3rd deg. felony)
40	Rhode Island	Up to 6 months and/or \$250-\$1,000, subsequent convictions up to 1 yr and/or \$500-\$1,000 (Misdemeanor)	Up to 1 yr and/or \$250-\$1,000, subsequent convictions up to 1 yr and/or \$500-\$1,000 (Misdemeanor)	First offense 1-5 yrs and \$2,000-\$5,000, subsequent convictions 3-10 yrs and \$5,000-\$10,000 (Pandering)	First offense 1-5 yrs and \$2,000-\$5,000, subsequent convictions 3-10 yrs and \$5,000-\$10,000 (Pandering)

	[Editor's Note: Indoor prostitution became legal in 1980 as a result of an unintentional legal loophole created by legislators when enacting laws targeting street prostitution. The state passed new legislation to close this loophole on Nov. 3, 2009.]		Up to 6 months and/or \$500-\$1,000, subsequent convictions up to 1 yr and/or \$750-\$1,000 (Only applies to soliciting from motor vehicles)		
41	South Carolina	First offense up to 30 days or \$200, 2nd offense up to 6 months and \$1,000, 3+ at least 1 yr and/or up to \$3,000	First offense up to 30 days or \$200, 2nd offense up to 6 months and \$1,000, 3+ at least 1 yr and/or up to \$3,000	First offense up to 30 days or \$200, 2nd offense up to 6 months and \$1,000, 3+ at least 1 yr and/or up to \$3,000	First offense up to 30 days or \$200, 2nd offense up to 6 months and \$1,000, 3+ at least 1 yr and/or up to \$3,000
42	South Dakota	Up to 1 yr in county jail and/or \$2,000 (Class 1 misdemeanor)	Up to 1 yr in county jail and/or \$2,000 (Class 1 misdemeanor)	Up to 2 yrs and/or \$4,000 (Class 6 felony)	Up to 2 yrs and/or \$4,000 (Class 6 felony)
43	Tennessee	Up to 6 months and/or \$500 (Class B misdemeanor)	Up to 6 months and/or \$500 (Class B misdemeanor)	1-6 yrs and/or up to \$3,000 (Class E felony)	1-6 yrs and/or up to \$3,000 (Class E felony)
44	Texas	First offense up to 180 days and/or \$2,000, 2nd up to 1 yr and/or \$4,000, 3+ 180 days-2 yrs and/or \$10,000 (First offense is a class B misdemeanor, 2nd A misdemeanor, 3+ is a state jail felony)	First offense up to 180 days and/or \$2,000, 2nd up to 1 yr and/or \$4,000, 3+ 180 days-2 yrs and/or \$10,000 (First offense is a class B misdemeanor, 2nd A misdemeanor, 3+ is a state jail felony)	2-10 yrs and up to \$10,000 (3rd degree felony)	2-10 yrs and up to \$10,000 (3rd degree felony)

45	Utah	First offense up to 6 months and/or \$1,000, subsequent offenses up to 1 yr and/or \$2,500 (First offense class B misdemeanor, subsequent offenses are class A misdemeanors)	Up to 6 months and/or \$1,000 (Class B misdemeanor)	Up to 5 yrs and/or \$5,000 (3rd degree felony)	Up to 5 yrs and/or \$5,000 (3rd degree felony)
46	Vermont	First offense up to 1 yr or \$100, second offense up to 3 yrs	First offense up to 1 yr or \$100, second offense up to 3 yrs	1-10 yrs and/or \$200-\$2,000	1-10 yrs and/or \$200-\$2,000
47	Virginia	Up to 1 yr and/or \$2,500 (Class 1 misdemeanor)	Up to 1 yr and/or \$2,500 (Class 1 misdemeanor)	2-10 yrs and up to \$100,000 (Class 4 felony)	2-10 yrs and up to \$100,000 (Class 4 felony)
48	Washington	Up to 90 days and/or \$1,000 (Misdemeanor)	Up to 90 days and/or \$1,000 (Misdemeanor)	Up to 5 yrs and/or \$5,000 (Class C felony)	Up to 5 yrs and/or \$5,000 (Class C felony)
49	West Virginia	60 days-6 months and \$50-\$100	First offense 60 days-6 months and \$50-\$100, 2nd offense 6 months-1 yr and \$100-\$200, consequent offenses 1-3 yrs	First offense 6 months-1 yr and \$100-\$500, subsequent offenses 1-3 yrs	First offense 6 months-1 yr and \$100-\$250, subsequent offenses 1-5 yrs
50	Wisconsin	Up to 9 months and/or \$10,000 (Class A misdemeanor)	Up to 9 months and/or \$10,000 (Class A misdemeanor)	Up to 12.5 yrs and/or \$25,000 (Class F felony)	Up to 6 yrs and/or \$10,000 (Class H felony)
51	Wyoming	Up to 6 months and/or \$750 (Misdemeanor)	Up to 6 months and/or \$750 (Misdemeanor)	Up to 3 yrs and/or \$3,000 (Felony)	Up to 3 yrs and/or \$3,000 (Felony)
	State	Penalty for Prostitutes (Crime Classification)	Penalty for Customers (Crime Classification)	Penalty for Pimps (Crime Classification)	Penalty for Brothel Owners (Crime Classification)