

## Stop Street Harassment

### Idaho

A variety of forms of street harassment are illegal in Idaho, including vulgar language, indecent exposure, following, and groping. Here are the laws and reporting procedures you need to know.

#### Verbal Harassment

Idaho has four laws that prohibit different forms of verbal harassment.

##### **Assault**

###### [Title 18 §901](#)

It is illegal for someone to threaten another person or attempt to use violence against another person.

If a street harasser threatens you or either attempts to or indicates that s/he will use violence against you, you can report him/her. (Actually making physical contact with you or injuring you is considered battery, see below for information on it.)

Penalty: Assault is punishable by fine of up to \$1,000 and/or up to 3 months in jail. If someone is convicted of assaulting you, you have the right to a court-issued no contact order against that person.

##### **Disturbing the Peace**

###### [Title 18 §6409](#)

It is illegal in Idaho for anyone to “maliciously and willfully” disturb another person or “the peace or quiet of any neighborhood, [...] in a loud and boisterous manner” by doing any of the following:

- Making loud or unusual noise.
- Engaging in tumultuous or offensive conduct.
- Threatening you, “trading” (speaking ill of you), quarreling, or challenging you to a fight,
- Fighting.
- Using vulgar, profane or indecent language within the presence or hearing of children.

Many examples of street harassment could fall into these categories, such as shouting or using lewd or explicit language. If a harasser does anything that falls into these categories, you can report him/her.

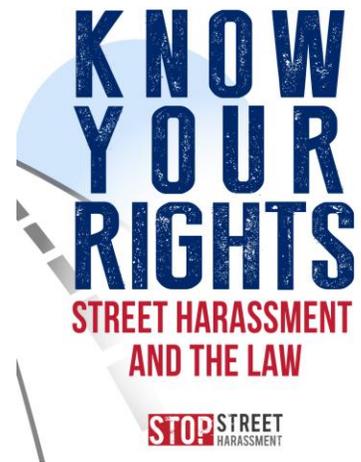
Penalty: Disturbing the peace is a misdemeanor in Idaho, punishable by a fine of up to \$1,000 and/or up to 6 months in jail.

##### **Patronizing a Prostitute**

###### [Title 18 §5614](#)

Soliciting someone for the purposes of prostitution is illegal in Idaho. If a street harasser solicits sexual activity from you, you can report him/her.

You can also make the case that harassers who yell, “How much?!” or offer you money, or anything else, for sex, even in jest, are soliciting prostitution.



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Stop Street Harassment doesn't oppose consensual sex work, but we do think it's inappropriate for a street harasser to make assumptions about your sexual availability and make you feel uncomfortable.

Penalty: Patronizing a prostitute is a misdemeanor, punishable by a fine of up to \$1,000 and/or up to 6 months in jail.

### **Public Nuisances**

#### [Title 18 §5901](#)

Idaho has a general law against "nuisances" that are injurious to health, indecent, offensive to the senses, obstruct free passage or use on streets or in public parks or plazas, or obstruct free use of property "so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any considerable number of persons."

Nuisance laws typically apply to one entity – either a person or organization – that causes a problem for a large part of the community. If you find that one individual or organization is consistently causing many people to be harassed, you may be able to report it under this law. For example:

- A person who routinely harasses many passersby on the same street corner every day, or who causes some other significant disruption that affects many people at once.
- A company whose employees regularly harass people while on the job, such as construction workers or delivery truck drivers. You might try going directly to the business owner first to file a complaint. But if the harassment doesn't stop, you could report the business as a nuisance.

Idaho law also states that "an act which affects an entire community or neighborhood, or any considerable number of persons [...] is not less a nuisance because the extent of the annoyance or damage inflicted upon individuals is unequal." Lawmakers, law enforcement officials, or judges may try to trivialize street harassment, but it is okay to make the case for why it IS a public nuisance.

Penalty: A public nuisance is a misdemeanor, punishable by a fine of up to \$1,000 and/or up to 6 months in jail.

### **Indecent Exposure**

#### ***Indecent Exposure***

#### [Title 18, §4116](#)

In Idaho, it is illegal for anyone to willfully and lewdly expose his or her genitals in a public place where there are others who are offended or annoyed by the act.

If a harasser flashes you or otherwise exposes him or herself to you in a public place, such as a park, on public transportation, or in a store, you can report that person.

Penalty: Indecent exposure is a misdemeanor in Idaho, punishable by a fine of up to \$1,000 and/or up to 6 months in jail.

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### Following

If you think someone is following you, you can call 911 right away, the first time it happens. You do not have to wait for that person to commit a crime.

### ***Stalking in the Second Degree***

#### [Title 18 §7906](#)

Stalking is illegal in Idaho. Stalking in the second degree is defined as engaging in a course of conduct that seriously alarms, annoys, or harasses you or puts you in fear of death or physical injury.

A “course of conduct” means repeated acts of “nonconsensual contact,” including (but not limited to) those listed above when done without your consent. The law covers actions that are made “in disregard of the victim's expressed desire that the contact be avoided or discontinued” as one form of nonconsensual contact. This means that, *if you feel safe to do so*, you have the right to tell a harasser to stop.

If a harasser repeatedly follows you in your neighborhood, where you work, near your school, or any place at all, and “seriously alarms” you or gives you reason to fear bodily harm, including sexual assault, you can report it to the police.

Penalty: Stalking in the second degree is punishable by a fine of up to \$1,000 and/or up to a year in jail. If the person being stalked is under 16 years old, the penalty is harsher. If someone is convicted of stalking you, you have the right to a court-issued no contact order against that person.

### Groping

#### ***Battery***

#### [Title 18 §903](#)

In Idaho, battery is when someone uses violence against another person, intentionally touches or strikes a person against his or her will, or intentionally causes a person bodily harm.

If a harasser puts his or her hands on you, including by groping your butt, groin, or breasts, without your consent, you can report him/her.

Penalty: Battery is a misdemeanor in Idaho, punishable by a fine of \$1,000 and/or up to 6 months in jail. If someone is convicted of battering you, you have the right to a court-issued no contact order against that person.

### Reporting Crimes to the Police

- Call 911 for help if:
  - The crime is in progress
  - You or someone else is physically hurt or have been threatened with physical violence
  - You can provide information about who may have committed a crime.
- Call the local police office’s non-emergency number to submit a report afterward. For example, in Boise this number is (208) 377-6790 and in Nampa it’s (208)-465-2257. In Meridian, it is (208) 888-6678 and in Idaho Falls it is (208) 529-1200. Be prepared to provide them with:

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- When it happened (date and time).
  - Where it happened (street location, store location, bus line or bus stop, park name, etc).
  - Who is reporting (your name and contact information).
  - A description of what happened.
  - The name and contact information of witnesses, if you spoke to any.
  - It can be helpful to include the law the crime falls under, such as malicious harassment, [Idaho Law 18-7902](#). If you're not sure which law you should use to report an incident of street harassment, just tell the police what happened and s/he or the district attorney's office can determine the appropriate charges.
  - A description of the harasser/s.
- Many police departments also have online reporting forms, for example, [Idaho Falls](#) has an online form that allows you to report crime tips or harassing phone calls.
  - Some police departments also allow you to anonymously send a tip about a non-emergency incident, for example if you see a group of people routinely harassing passersby at the same location. Visit your local police department website for information.
    - In the Boise area, you can do this by submitting a [confidential tip form](#), by calling 343-COPS, by calling 1-800-222-TIPS to report the crime, or by texting the number 274637 and beginning your message with Tip236.
    - These services also apply to Nampa and Meridian.
  - Once you've reported a crime, if you've provided your contact information, within a few days, you will receive a call with a police report case number and may have to answer follow-up questions. Save a copy of the police report for your records.

If someone tries to tell you that street harassment "isn't a big deal," or isn't illegal, don't buy it. You always have the right to be free from sexual harassment and assault in public.