

No. 22-179

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**In the Supreme Court of the United States**

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UNITED STATES OF AMERICA,  
*Petitioner,*

*v.*

HELAMAN HANSEN,  
*Respondent.*

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*On Writ of Certiorari to the United States  
Court of Appeals for the Ninth Circuit*

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**BRIEF FOR THE STATE OF MONTANA AND  
24 OTHER STATES AS *AMICI CURIAE* IN SUP-  
PORT OF PETITIONER**

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## INTRODUCTION AND INTEREST OF AMICI CURIAE

Relying on a strained textual analysis of 8 U.S.C. § 1324(a)(1)(A)(iv)'s criminal prohibition on encouraging or inducing noncitizens to unlawfully enter or reside in the United States, the Ninth Circuit invalidated that law on the grounds that it is unconstitutionally overbroad. More than ever, illegal immigration imposes tremendous economic, social, and fiscal burdens on the states. The decision below, if left undisturbed, will impede the enforcement of criminal immigration laws nationwide, leading to significant adverse consequences for the Amici States.

Not only that, but the decision below also undermines the Amici States' interest in enforcing their own criminal laws. *Heath v. Alabama*, 474 U.S. 82, 93 (1985) ("Foremost among the prerogatives of sovereignty is the power to create and enforce a criminal code."). Every state has enacted criminal laws that prohibit encouraging or inducing unlawful conduct, *see* Amici States' Appendix ("App.") A, so if this Court endorses the Ninth Circuit's expansive application of the overbreadth doctrine, many of those state criminal laws will be vulnerable to constitutional challenges. For these reasons, the states of Montana, Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, and Wyoming, submit this amicus brief in support of Petitioner.



## SUMMARY OF ARGUMENT

The First Amendment overbreadth doctrine is a narrow, but extraordinary, exception to the traditional rules favoring as-applied constitutional challenges and case-specific standing. *See L.A. Police Dep't v. United Reporting Publ'g Corp.*, 528 U.S. 32, 39 (1999). When a criminal defendant successfully invokes the overbreadth doctrine, a court invalidates a law if its mere existence, as opposed to its application, deters or “chills” potential speakers—even if the statute has been constitutionally applied to the defendant. For that reason, this Court has “vigorously enforced the requirement that a statute’s overbreadth be *substantial*, not only in an absolute sense, but also relative to the statute’s plainly legitimate sweep.” *United States v. Williams*, 553 U.S. 285, 292 (2008).

The Ninth Circuit’s expansive interpretation of the overbreadth doctrine in this case exemplifies why courts should apply the doctrine sparingly and only as a last resort. Every state has enacted criminal laws employing language similar to the language the Ninth Circuit declared constitutionally suspect, so the states’ laws are now vulnerable to overbreadth challenges. But several of the states’ highest courts have rejected such facial attacks, emphasizing that statutory terms like “encourage” and “induce” carry well-understood criminal-law meanings that the panel simply ignored. This Court should reject the Ninth Circuit’s anemic textual analysis and remind the lower courts that a statutory term with an estab-

lished meaning “brings the old soil with it.” *See Taggart v. Lorenzen*, 139 S. Ct. 1795, 1801 (2019) (quotation omitted).

This Court should also take this opportunity to refine the overbreadth doctrine to ensure it does not erode Article III standing or invade the separation of powers. When, as here, a statute’s threat to speech is merely hypothetical, an overbreadth claim must fail. And when a defendant, like Hansen, is charged with an aggravated crime, it is not enough for the defendant to assert that the statutory elements of a lesser crime are unconstitutionally overbroad. Instead, the defendant must show that the crime for which he was charged or convicted is facially unconstitutional.

### ARGUMENT

The overbreadth doctrine allows a federal court to strike down a statute if it would violate the First Amendment in a substantial number of other cases not before the court, even if the law’s application to the defendant is “perfectly constitutional.” *See Williams*, 553 U.S. at 292. This doctrine has been justified, not by the text or history of the First Amendment, but “solely by reference to policy considerations and value judgments.” *United States v. Sineneng-Smith*, 140 S. Ct. 1575, 1584 (2020) (Thomas, J., concurring). In other words, because “[First Amendment] freedoms are delicate and vulnerable, as well as supremely precious in our society,” *see NAACP v. Button*, 371 U.S. 415, 433 (1963), invalidating facially overbroad statutes is sometimes necessary, even if doing so departs from traditional

principles of adjudication, see *Dombrowski v. Pfister*, 380 U.S. 479, 486 (1965).

Facial challenges to validly enacted statutes are disfavored. *Wash. State Grange v. Wash. State Republican Party*, 552 U.S. 442, 450 (2008). Among other reasons, such claims “often rest on speculation,” “run contrary to the fundamental principle of judicial restraint,” and “threaten to short circuit the democratic process by preventing laws embodying the will of the people from being implemented in a manner consistent with the Constitution.” *Id.* at 450-51. So, to prevail on a facial challenge, a challenger bears a heavy burden: He must show “that no set of circumstances exists under which the Act would be valid.” *United States v. Salerno*, 481 U.S. 739, 745 (1987).

Facial overbreadth challenges, however, only require the challenger to show that a “substantial number” of its applications are unconstitutional, “judged in relation to the statute’s plainly legitimate sweep.” *Wash. State Grange*, 552 U.S. at 449 n.6 (quoting *New York v. Ferber*, 458 U.S. 747, 769-71 (1982)). But overbreadth invalidation is “strong medicine” that should only be employed as a “last resort.” See *L.A. Police Dep’t*, 528 U.S. 32, 39. To that end, this Court has taken care to ensure that this “limited” exception does not “swallow” the traditional rule favoring as-applied challenges. *Virginia v. Hicks*, 539 U.S. 113, 119-20 (2003). The Court has thus “vigorously enforced the requirement that a statute’s overbreadth be *substantial*, not only in an absolute

sense, but also relative to the statute’s plainly legitimate sweep.” *Williams*, 553 U.S. at 292.

The Ninth Circuit held that § 1324(a)(1)(A)(iv), which prohibits “encourag[ing]” or “induc[ing]” noncitizens to unlawfully enter or reside in the United States, was unconstitutionally overbroad. *United States v. Hansen*, 25 F.4th 1103, 1106 (9th Cir. 2022). But that unduly expansive construction of § 1324(a)(1)(A)(iv) was driven by multiple errors of statutory interpretation. First, the panel “blindly rel[ie]d] on lay-dictionary definitions” and failed to consider the established criminal-law meaning of “encourage” and “induce.” See *United States v. Hansen*, 40 F.4th 1049, 1059 (9th Cir. 2022) (Bumatay, J., dissenting from the denial of rehearing en banc). Had the panel considered these established meanings, it would have recognized “§ 1324(a)(1)(A)(iv) is an ordinary [criminal] solicitation and aiding-and-abetting statute [that] poses no free-speech concerns.” See *id.*; see also U.S. Br. 15. Second, the panel disregarded the statute’s mens rea requirements, which substantially narrow the reach of the statute. See *id.* at 1067 (explaining that the statute “requires a criminal mens rea consistent with criminal complicity”); *id.* at 1068 (explaining that Hansen’s offense requires proof that he “acted to obtain ‘commercial advantage or private financial gain’” (quoting § 1324(a)(1)(B)(i))). Third, the panel improperly invoked the surplusage canon, largely because it failed to analyze § 1324(a)(1)(A)(iv) as a solicitation provision, but also because it failed to recognize that § 1324(a)(1)(A)(iv) and

§ 1324(a)(1)(A)(v)(II) prohibit the aiding and abetting of different things. *See id.* at 1069. Shorn of these errors, § 1324(a)(1)(A)(iv) reaches only criminal conduct, or speech integral to that conduct, which may be proscribed consistent with the First Amendment. *See Giboney v. Empire Storage & Ice Co.*, 336 U.S. 490, 498 (1949) (“[F]reedom [of] speech” does not “extend[] its immunity to speech or writing used as an integral part of conduct in violation of a valid criminal statute”).

Even if doubt remained about § 1324(a)(1)(A)(iv)’s reach, the panel should have invoked the constitutional avoidance canon and construed the statute as a criminal solicitation and facilitation offense. A. Scalia & B. Garner, *Reading Law: The Interpretation of Legal Texts* 249 (2012) (explaining that the canon rests “upon a judicial policy of not interpreting ambiguous statutes to flirt with constitutionality”). If there is “a serious doubt” about the constitutionality of a statute, courts must “first ascertain whether a construction of the statute is fairly possible by which the question may be avoided.” *Jennings v. Rodriguez*, 138 S. Ct. 830, 842 (2018). Here, there is no doubt that it is “fairly possible” to construe § 1324(a)(1)(A)(iv) as a criminal solicitation and facilitation offense, so the Ninth Circuit erred when it refused to do so, *see INS v. St. Cyr*, 533 U.S. 289, 300 (2001).

Construed properly, § 1324(a)(1)(A)(iv)’s “plainly legitimate sweep” vastly exceeds any hypothetical applications to protected speech. *See Williams*,

553 U.S. at 292; *Hicks*, 539 U.S. at 119-20. But the Ninth Circuit ignored this Court’s admonition that “the mere fact that one can conceive of some impermissible applications of a statute is not sufficient to render it susceptible to an overbreadth challenge.” *Members of City Council v. Taxpayers for Vincent*, 466 U.S. 789, 800 (1984). Rather, “there must be a *realistic danger* that the statute itself will significantly compromise recognized First Amendment protections of parties not before the Court.” *Id.* at 801 (emphasis added). If uncorrected, the Ninth Circuit’s errors threaten real danger to the Amici States’ ability to enforce their own similarly worded criminal statutes.

**I. The Ninth Circuit’s decision threatens the constitutionality of similarly worded criminal statutes in all 50 states.**

The overbreadth doctrine permits a court to invalidate a law based not on the facts or parties before it, but rather based on a finding that the challenged law prohibits “a substantial amount of protected speech.” *Williams*, 553 U.S. at 292 (2008). But because overbreadth invalidation is a “nuclear option,” *Hansen*, 40 F.4th at 1070 (Bumatay, J., dissenting from the denial of rehearing en banc), it should only be applied as a “last resort.” *L.A. Police Dep’t*, 528 U.S. at 39. Setting caution aside, the Ninth Circuit invalidated a 70-year-old criminal law that the federal government uses to prosecute smuggling and other activities that facilitate unlawful immigration, *see* U.S. Br. 37-38,

which threatens other federal and state statutes employing the terms “encourage” or “induce.”

All 50 states utilize the terms “encourage” or “induce” in their criminal codes, so the Amici States are naturally concerned about the ramifications of the Ninth Circuit’s expansive application of the overbreadth doctrine. *See* App. A. States have long used these terms to proscribe criminal conduct, particularly criminal conduct involving minors or prostitution. *See, e.g.*, ALASKA STAT. ANN. § 11.41.434(a)(1) (2022) (1983 law punishes an offender who “aids, induces, causes, or encourages a person who is under 13 years of age to engage in sexual penetration with another person”); CAL. PENAL CODE § 266i(a)(2)-(5) (2022) (pandering crime originally enacted in 1953 prohibits “induc[ing]” or “encourag[ing] another person to become a prostitute”); COLO. REV. STAT. ANN. § 18-6-701(1)(a) (2022) (1987 law defining contributing to the delinquency of a minor as “induc[ing], aid[ing], or encourag[ing] a child to violate any state law”); N.C. GEN. STAT. ANN. § 14-190.16 (2022) (1985 law criminalizing first degree sexual exploitation of minor including “induc[ing]” or “encourag[ing]” minors to engage in unlawful sexual activity); S.C. CODE ANN. § 16-15-100(2)-(3) (2022) (1952 law making it unlawful to “induce, persuade or encourage” prostitution). The Ninth Circuit’s *laissez-faire* application of the overbreadth doctrine—“the nuclear option of First Amendment jurisprudence,” *Hansen*, 40 F.4th at 1058 (Bumatay, J., dissenting from the denial of rehearing en banc)—leaves these important laws vulnerable to broad constitutional attacks.

States routinely use “encourage” or “induce” to define crimes directly. Consider some examples. Arizona law defines manslaughter to include encouraging a minor to commit suicide. *See* ARIZ. REV. STAT. ANN. § 13–1103(B) (2022). Kentucky defines “phishing” as “induc[ing] another person to provide identifying information” online. *See* KY. REV. STAT. ANN. § 434.697(2) (2022). Louisiana establishes that “[c]omputer-aided solicitation of a minor” includes “induc[ing]” a minor to “engage or participate in sexual conduct or a crime of violence.” LA. STAT. ANN. § 14:81.3(A)(1) (2022). And Utah uses the words “induce” and “encourage” in a statute defining the crime of “[f]inancial exploitation of a vulnerable adult.” UTAH CODE ANN. § 76-5-111.4 (2022). The states’ reliance on these terms to define criminal conduct is commonplace, so the Ninth Circuit’s decision threatens to upend these criminal laws, undermining the states’ “power to create and enforce a criminal code.” *See Heath*, 474 U.S. at 93.

And states use these same terms to define solicitation crimes. *See* *Ariz. Cert. Amici Br. 5* (collecting state laws criminalizing solicitation). In the federal context, the purpose of criminalizing solicitation is “to allow law enforcement officials to intervene at an early stage where there has been a clear demonstration of an individual’s criminal intent and danger to society.” S. Rep. No. 98-225, 98th Cong., 2d Sess. 308 (1984), *reprinted in* 1984 U.S. Code Cong. & Adm. News 3182, 3487; *see also id.* (“[A] person who makes a serious effort to induce another person to commit a crime of violence is a clearly dangerous person and



that his act deserves criminal sanctions whether or not the crime of violence is actually committed.”); *Williams*, 553 U.S. at 298 (“Many long established criminal proscriptions ... criminalize speech ... that is intended to induce or commence illegal activities.”). Likewise, States have strong justifications for criminalizing solicitation and intervening before an individual commits a crime. The Ninth Circuit erred in refusing to give the terms “encourage” and “induce” their well-understood meaning in criminal law. *See* U.S. Br. 4-7 (tracing the established meaning of “encourage” and “induce” from the late 1800s until now).

State courts, interpreting their own laws, have correctly construed the verbs “encourage” and “induce” consistent with the terms’ meaning in criminal law. These terms are often used to describe solicitation or facilitation of a crime. *See, e.g., State v. Smith*, 476 P.3d 1178, 1180 (Mont. 2020) (“The solicitation charge arose from jailhouse phone calls between Smith and his sister and mother, in which the State alleged Smith encouraged his family to convince his victim, T.W., not to testify.”); *State v. Ray*, 882 P.2d 1013 (Mont. 1994) (upholding a solicitation conviction for commanding, encouraging, or facilitating the commission of two sexual assaults); *State v. Sage*, 841 P.2d 1142 (Mont. 1992) (upholding a solicitation conviction for encouraging the commission of incest with defendant’s minor daughter); *see also State v. Gates*, 221 P.2d 878, 880 (Utah 1950) (interpreting the use of the word “encourages” in a

prostitution statute to mean “to entice, induce, inveigle or persuade”).

The Ninth Circuit’s decision stands at odds with several state supreme court decisions rejecting the conclusion that criminal statutes using the terms “induce” or “encourage” are constitutionally overbroad. See, e.g., *State v. Washington-Davis*, 881 N.W.2d 531 (Minn. 2016); *Ford v. State*, 262 P.3d 1123 (Nev. 2011); *Summers v. Anchorage*, 589 P.2d 863 (Alaska 1979). In *Washington-Davis*, the Minnesota Supreme Court applied this Court’s overbreadth framework and concluded that a statute barring the “encouragement” of prostitution was not overbroad because “the prevention of prostitution” fell within the plainly “legitimate sweep” of the statute. 881 N.W.2d at 539. The court rejected “purely speculative” hypotheticals and determined that no evidence in the record showed that the statute had, or would likely have, a chilling effect on speech. *Id.* at 540. The Nevada Supreme Court likewise held that the pandering statute was not overbroad because the “specific intent required ... narrows the statute to illegal employment proposals.” *Ford*, 262 P.3d at 1130. Thus, even where the statute failed to define “induces” or “encourages,” these words “are words of common usage that have plain and ordinary meanings.” *Id.* at 1132 (quoting *United States v. Gagliardi*, 506 F.3d 140, 147 (2d Cir. 2007)). And the Alaska Supreme Court determined that its prostitution statute was narrow because it was directed solely at “lawless prostitution activities.”

*Summers*, 589 P.2d at 867 (internal quotation omitted).

Just as the states have interpreted statutes using the terms “encourage” and “induce” based on their common usage and plain meaning, the federal government, too, has incorporated these well-settled understandings into § 1324(a)(1)(A)(iv). See U.S. Br. 21. And the history informs the common usage of these words in modern criminal statutes as well as their plain meaning. See *Morissette v. United States*, 342 U.S. 246, 263 (1952) (“[W]here Congress borrows terms of art ... it presumably knows and adopts the cluster of ideas that were attached to each borrowed word ...”); but see *Hansen*, 40 F.4th at 1054 (Gould, J., concurring in the order denying the petition for rehearing en banc) (finding that the historical foundation of solicitation and facilitation offenses was “interesting but largely irrelevant”). The decision below overtly ignored the “legal tradition” and “centuries of practice” interpreting state and federal criminal laws with the terms “encourage” and “induce.” *Morissette*, 342 U.S. at 263. Deploying the “nuclear option” in this case conflicts with a multitude of decisions reached in the states and threatens the use of these terms in state criminal laws in all 50 states.

## **II. The Court should clarify the showing required to invalidate a criminal statute on overbreadth grounds.**

The void-for-overbreadth rule substantially relaxes the standards for facial challenges and departs

from traditional standing principles without a clear basis in the text or history of the First Amendment. *See Sineneng-Smith*, 140 S. Ct. at 1584 (Thomas, J., concurring). This Court has historically justified overbreadth invalidation as a necessary tool to prevent the chilling of “constitutionally protected speech or expression.” *See Broadrick v. Oklahoma*, 413 U.S. 601, 612 (1973); *see also* Richard H. Fallon, Jr., *Making Sense of Overbreadth*, 100 YALE L.J. 853, 855 (1991) (explaining that “First Amendment overbreadth is largely a prophylactic doctrine, aimed at preventing a ‘chilling effect’”). For that reason, the Court has long cautioned federal courts that overbreadth invalidation is “strong medicine” that should be applied with caution. *L.A. Police Dep’t*, 528 U.S. at 39.

In the First Amendment context, the Court has justified the overbreadth doctrine’s ‘strong medicine’ because of free speech’s “transcendent value to all society, and not merely to those exercising their rights.” *Dombrowski*, 380 U.S. at 486. Given the doctrine’s “suspect historical roots” and “shaky foundation,” *Hansen*, 40 F.4th at 1071-72 (Bumatay, J., dissenting from the denial of rehearing en banc), the Court should reaffirm that it should be applied rarely and only as a “last resort,” *L.A. Police Dep’t*, 528 U.S. at 39.

**A. Overbreadth claims should require showing more than a hypothetical danger of chilling protected speech.**

The Ninth Circuit’s decision “conjured up a parade of horrors theoretically prosecutable under the law,” rather than focusing on § 1324(a)(1)(A)(iv)’s “broad legitimate sweep.” *Hansen*, 40 F.4th at 1058, 1072 (Bumatay, J., dissenting from the denial of rehearing en banc). Federalism concerns counsel against applying the overbreadth doctrine to facial challenges against state laws because “[i]nvalidate-the-law-now, discover-how-it-works-later judging” “deprives ‘state courts [of] the opportunity to construe a law to avoid constitutional infirmities.’” *NetChoice, LLC v. Paxton*, 49 F.4th 439, 449 (5th Cir. 2022) (quoting *Ferber*, 458 U.S. at 768).

Without question, Congress and state legislatures must legislate within the bounds of the First Amendment. But legislatures, both federal and state, are presumed to legislate within constitutional boundaries. *See United States v. Morrison*, 529 U.S. 598, 607 (2000). When courts use hypotheticals in place of real-world conduct to invalidate statutes on their face, it “short circuit[s] the democratic process by preventing laws embodying the will of the people from being implemented in a manner consistent with the Constitution.” *Wash. State Grange*, 552 U.S. at 451. And it “frustrates the intent of the elected representatives of the people.” *Id.* (internal quotation omitted).

Constitutional rights are personally held and cannot generally be asserted for others. *Broadrick*, 413 U.S. at 610 (stating that “a person to whom a statute may constitutionally be applied will not be heard to challenge that statute on the ground that it may conceivably be applied unconstitutionally to others”). And “[t]his general rule reflects two ‘cardinal principles’ of our constitutional order: the personal nature of constitutional rights and the prudential limitations on constitutional adjudication.” *L.A. Police Dep’t*, 528 U.S. at 39.

But this Court has recognized a narrow exception to these general principles when a statute is facially overbroad under the First Amendment. *Ferber*, 458 U.S. at 767-68. The overbreadth doctrine “allows a litigant without a legal injury to assert the First Amendment rights of hypothetical third parties, so long as he has personally suffered a real-world injury.” *Sineneng-Smith*, 140 S. Ct. at 1587 (Thomas, J., concurring). The Court has applied the First Amendment overbreadth exception on several limited occasions. *See, e.g., Williams*, 553 U.S. at 288 (reviewing whether federal statute criminalizing “pandering or solicitation of child pornography” was overbroad under the First Amendment); *United States v. Stevens*, 559 U.S. 460, 464, 482 (2010) (concluding federal statute criminalizing “the commercial creation, sale, or possession of certain depictions of animal cruelty” was overbroad and, thus, “invalid under the First Amendment”). This case provides the Court with an opportunity to clarify that the overbreadth doctrine does not apply when the indi-

vidual bringing the challenge, like Hansen here, falls within the core of the statutory proscription.<sup>1</sup>

Regardless of its precise contours, the scope of the overbreadth doctrine “must be carefully tied to the circumstances in which facial invalidation of a statute is truly warranted.” *Ferber*, 458 U.S. at 769; *see also NetChoice*, 49 F.4th at 450 (stating that this Court “has only applied [the overbreadth doctrine] where there is a substantial risk that the challenged law will chill protected speech or association”). After all, it is “hardly novel” that a law should only be invalidated for overbreadth if “it reaches a substantial number of impermissible applications.” *Ferber*, 458 U.S. at 771. A statute’s overbreadth must be “substantial,” both in relation to its plainly legitimate sweep and in its “application to real-world conduct, not fanciful hypotheticals.” *See Stevens*, 559 U.S. at 485 (Alito, J., dissenting) (citing *Williams*, 553 U.S. at 301-02). If a statute’s overbreadth is only hypothetical, it is best “cured” through as-applied

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<sup>1</sup> And given that several members of this Court have recently questioned the doctrinal underpinnings of this exception, it is especially important to clarify the overbreadth doctrine’s proper scope. *See Sineneng-Smith*, 140 S. Ct. at 1583 (Thomas, J., concurring) (“It appears that the overbreadth doctrine lacks any basis in the Constitution’s text, violates the usual standard for facial challenges, and contravenes traditional standing principles.”); *cf. Dobbs v. Jackson Women’s Health Org.*, 142 S. Ct. 2228, 2275-76 (2022) (reexamining abortion cases because these cases “diluted the strict standard for facial constitutional challenges,” flouted “the rule that statutes should be read where possible to avoid unconstitutionality,” and “distorted First Amendment doctrines”).

challenges. *Broadrick*, 413 U.S. at 615-16; *cf. Nat'l Treasury Emps. Union v. United States*, 3 F.3d 1555, 1567 (D.C. Cir. 1993) (Silberman, J., dissenting from the denial of rehearing en banc) (questioning the wisdom of “tossing out the constitutional baby with the arguably unconstitutional bath water”).

Many state courts have correctly refused to invalidate laws when the threat to speech is merely hypothetical. *See, e.g., State v. Lilburn*, 875 P.2d 1036, 1041 (Mont. 1994) (refusing to apply the overbreadth doctrine to invalidate a “hunter harassment statute” because defendant failed to make a “clear showing that the potential invalid applications of the statute [were] both real and substantial” (internal quotation omitted)); *State v. Sanchez*, 448 P.3d 991, 997-98 (Idaho 2019) (concluding that the “hypothetical situations raised by [the defendant] are not persuasive for finding the statute overbroad” when the statute covered “a wide range of conduct ... within the state’s power to prohibit” (cleaned up)); *People v. Graves*, 368 P.3d 317, 328-29, ¶ 38 (Colo. 2016) (concluding that even if the criminal statute might chill hypothetical protected expressive conduct, any burden was slight “compared to the easily identifiable and constitutionally proscribable conduct to which the statute applies”) (internal quotation omitted); *State v. Stubbs*, 502 S.W.3d 218, 235 (Tex. Ct. App. 2016) (“Merely imagining some possible unconstitutional applications does not suffice to demonstrate a realistic danger that in fact the statute will be overbroadly applied.”).



But the Ninth Circuit ignored these principles, striking down § 1324(a)(1)(A)(iv) as overbroad based on judicially imagined, hypothetical situations having nothing to do with Hansen. This Court has long recognized that speech integral to criminal conduct—that is, “speech that constitutes criminal solicitation or facilitation”—is categorically excluded from First Amendment protection. *Hansen*, 40 F.4th at 1061 (Bumatay, J., dissenting from the denial of rehearing en banc) (citing *Williams*, 553 U.S. at 297); *see also Stevens*, 559 U.S. at 468-69 (“Incitement” and “speech integral to criminal conduct” are “well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any Constitutional problem.”) (internal quotation omitted). This point is particularly important to Amici States because state legislatures have long used similar language to define state crimes. *See* App. A.

In a world where individuals can solicit large audiences using a myriad of online platforms, criminals can cause great harm to others by soliciting—*i.e.*, encouraging or inducing—unlawful conduct. *Cf. Packingham v. North Carolina*, 137 S. Ct. 1730, 1736 (2017) (“For centuries now, inventions heralded as advances in human progress have been exploited by the criminal mind.”). And many of the states have passed laws to combat precisely this type of criminal conduct. *See, e.g.*, MONT. CODE ANN. § 45-5-602(1)(c) (2022) (criminalizing “encourag[ing], induc[ing] or otherwise purposely caus[ing] another to become or remain a prostitute”); ALASKA STAT. ANN.

§ 11.41.434(a)(1) (2022) (“An offender commits the crime of sexual abuse of a minor in the first degree if being 16 years of age or older, the offender ... induces ... or encourages a person who is under 13 years of age to engage in sexual penetration with another person.”); ARIZ. REV. STAT. ANN. § 13–1103(B) (2022) (defining one form of manslaughter as “intentionally providing advice or encouragement that a minor uses to die by suicide with the knowledge that the minor intends to die by suicide”); 720 ILL. COMP. STAT. ANN. 5/12C–45(a) (2022) (defining “[d]rug induced infliction of harm to a child athlete” as “encourag[ing] the ingestion of a drug by a person under the age of 18 with the intent that the [underage person] ingest the drug for the purpose of a quick weight gain or loss in connection with participation in athletics”); MD. CODE ANN., CRIM. LAW § 3–805(a)(3)(iii) & (v) (2022) (including within statute defining crime of misuse of electronic mail using “a computer or a computer network to ... encourage others to disseminate information concerning the sexual activity ... of a minor” or “encourage others to engage in the repeated, continuing, or sustained use of electronic communication to contact a minor”).

States possess a vital interest in enforcing these criminal statutes to protect victims of this conduct. But the Ninth Circuit’s conclusion that the terms “encourage” or “induce” are unconstitutionally overbroad based solely on hypothetical applications risks grave harm. If the Ninth Circuit’s decision survives, it will generate “substantial social costs” when its flawed reasoning is used in future cases. *Hicks*,

539 U.S. at 119-20 (“[T]here are substantial social costs created by the overbreadth doctrine when it blocks application of a law to constitutionally unprotected speech ... [or] unprotected conduct.”). The Court should reinforce the requirement that overbreadth challenges based on fanciful hypotheticals, rather than real-world applications, must fail.

**B. Overbreadth claims should require a showing that the charged crime is overbroad.**

The Ninth Circuit further erred by failing to consider the overbreadth of the actual offense of conviction. Hansen was charged with two counts of an aggravated offense—the offense defined by § 1324(a)(1)(A)(iv) and (B)(i)—but the panel considered only the constitutionality of § 1324(a)(1)(A)(iv). *See Hansen*, 40 F.4th at 1052 (Gould, J., concurring in the order denying the petition for rehearing en banc). As Judge Collins correctly observed, the panel failed to consider “whether the statutory language defining the aggravated version of the offense at issue—i.e., the offense defined by 8 U.S.C. § 1324(a)(1)(A)(iv), (B)(i)—is facially unconstitutional.” *Id.* at 1074 (Collins, J., dissenting from the denial of rehearing en banc). Had the Ninth Circuit considered whether the “additional element” of encouraging or inducing a noncitizen to illegally enter the United States for a commercial advantage or private financial gain “substantially narrows the reach of the relevant language,” there should been “little

doubt” that the statute’s legitimate sweep “greatly exceeds any plausible overbreadth.” *Id.*

To ensure that the overbreadth doctrine operates consistently with notions of Article III standing and the separation of powers, the Court should clarify that application of the overbreadth doctrine requires reviewing courts to examine the entire criminal offense with which a defendant is charged (or convicted). *See Williams*, 553 U.S. at 293 (“The first step in overbreadth analysis is to construe the challenged statute; it is impossible to determine whether a statute reaches too far without first knowing what the statute covers.”). State legislatures often codify aggravated offenses, and in a criminal prosecution for an aggravated crime, all elements of that crime must be found by a trier of fact. *See, e.g., Mathis v. United States*, 579 U.S. 500, 504 (2016) (“Elements are the constituent parts of a crime’s legal definition—the things the prosecution must prove to sustain a conviction.” (internal quotation omitted)); *see also Apprendi v. New Jersey*, 530 U.S. 466, 490 (2000) (“[A]ny fact that increases the penalty for a crime beyond the prescribed statutory maximum must be submitted to a jury, and proved beyond a reasonable doubt.”).

When a defendant is charged with an aggravated offense, the overbreadth doctrine must account for the existence of aggravating circumstances that constitute elements of the charged crime. Requiring a court to examine the entirety of the applicable statutory language, including aggravating circumstances,

reinforces that facial overbreadth should be used “sparingly and only as a last resort.” *Broadrick*, 413 U.S. at 613. This approach would help prevent “[h]ypothetical rulings,” which are “inherently treacherous and prone to lead [courts] into unforeseen errors; they are qualitatively less reliable than the products of case-by-case adjudication.” *Ferber*, 458 U.S. at 781 (Stevens, J., concurring).

Thus, if a defendant is charged with an aggravated crime—as Hansen was here—the defendant should be required to demonstrate that the aggravated crime (not just the lesser offense) is facially overbroad. For example, Hansen’s conduct of encouraging or inducing noncitizens to illegally enter the United States for his personal financial gain (with each victim paying between \$550 and \$10,000, *see* U.S. Br. 7) falls squarely within the legitimate aim of the aggravated circumstances set forth in the statute. U.S. Br. 36-40; *see also Taxpayers for Vincent*, 466 U.S. at 799 (“In the development of the overbreadth doctrine the Court has been sensitive to the risk that the doctrine itself might sweep so broadly that the exception to ordinary standing requirements would swallow the general rule.”). If an aggravating element “substantially narrows the reach of the relevant [statutory] language [such] that” the statute’s “plainly legitimate sweep greatly exceeds any plausible overbreadth,” *Hansen*, 40 F.4th at 1074 (Collins, J., dissenting from the denial of rehearing en banc) (internal quotation omitted)—as it does here—courts should decline to facially invalidate that statute on overbreadth grounds.

\* \* \*

Without question, First Amendment freedoms are of “transcendent value to all society.” *Dombrowski*, 380 U.S. at 486. But “striking down a statute on its face at the request of one whose own conduct may be punished despite the First Amendment,” *L.A. Police Dep’t*, 528 U.S. at 39, imposes “substantial social costs [by] block[ing] application of a law ... to constitutionally unprotected conduct,” *Hicks*, 539 U.S. at 119. Allowing the Ninth Circuit’s decision to stand threatens widespread uncertainty in the states’ ability to enforce their criminal laws that use these terms. This Court should take this opportunity to reemphasize the limited application of the First Amendment’s “nuclear option” and its preference for as-applied challenges.

### CONCLUSION

For these reasons, the judgment of the Ninth Circuit should be reversed.

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## APPENDIX A

### State Statutes Using “Encourage” or “Induce” Language

ALABAMA	
Citation	Statutory Text
Foster parent engaging in a sex act, etc., with a foster child: ALA. CODE § 13A-6-71(c) (2022)	“A person commits the crime of soliciting a sex act or sexual contact with a foster child if he or she is a foster parent and solicits, persuades, <b>encourages</b> , harasses, or entices a foster child under the age of 19 years to engage in a sex act including, but not limited to, sexual intercourse, sodomy, or sexual contact, as defined by Section 13A-6-60.”
Home repair fraud: ALA. CODE § 13A-9-111(1)(b) (2022)	“A person commits the offense of home repair fraud when the person intentionally and knowingly ... Enters into an agreement or contract for consideration, written or oral, with a person for home repair and the offending person knowingly engages in ...

App. 2

	[u]se or employment of any deception, false pretense, or false promises in order to <b>induce, encourage</b> , or solicit a person to enter into any contract or agreement.”
<b>ALASKA</b>	
Sexual abuse of minor in first degree: ALASKA STAT. ANN. § 11.41.434 (a)(1) (West 2022)	“An offender commits the crime of sexual abuse of a minor in the first degree if [the offender] aids, <b>induces</b> , causes, or <b>encourages</b> a person who is under 13 years of age to engage in sexual penetration with another person”
Sexual abuse of a minor in the second degree: ALASKA STAT. ANN. § 11.41.436 (a)(1)-(2), (4) (West 2022)	“An offender commits the crime of sexual abuse of a minor in the second degree if [the offender] aids, <b>induces</b> , causes, or <b>encourages</b> a person” to sexually abuse a minor
Cruelty to Animals: ALASKA STAT. ANN. § 11.61.140 (a)(6)(B)(ii) (West 2022)	“A person commits cruelty to animals if the person ... knowingly ... under circumstances not proscribed under AS 11.41.455 ... causes, induces, aids, or <b>encourages</b> another per-

App. 3

	son to engage in sexual conduct with an animal”
<b>ARIZONA</b>	
Solicitation; classifications: ARIZ. REV. STAT. ANN. § 13-1002(A) (2022)	“A person ... commits solicitation if, with the intent to promote or facilitate the commission of a felony or misdemeanor, such person commands, <b>encourages</b> , requests or solicits another person to engage in specific conduct which would constitute the felony or misdemeanor or which would establish the other’s complicity in its commission.”
Manslaughter: ARIZ. REV. STAT. ANN. § 13-1103(B) (2022)	“A person who is at least eighteen years of age commits manslaughter by intentionally providing advice or <b>encouragement</b> that a minor uses to die by suicide with the knowledge that the minor intends to die by suicide.”
Pandering; methods; classification: ARIZ. REV. STAT. ANN. § 13-3209(3) & (4) (2022)	“A person is guilty of a class 5 felony who knowingly ... [c]ompels, <b>induces</b> or <b>encourages</b> any person to reside with that person, or with any

App. 4

	other person, for the purpose of prostitution ... [or c]ompels, <b>induces</b> or <b>encourages</b> any person to become a prostitute or engage in an act of prostitution.”
Contributing to delinquency: ARIZ. REV. STAT. ANN. § 13-3613 (2022)	“A person who by any act, causes, <b>encourages</b> or contributes to the dependency or delinquency of a child ... is guilty of a class 1 misdemeanor.”
<b>ARKANSAS</b>	
Accomplice— Definition: ARK. CODE ANN. § 5-2-403(a) (West 2022)	“A person is an accomplice of another person in the commission of an offense if, with the purpose of promoting or facilitating the commission of an offense, the person: Solicits, advises, <b>encourages</b> , or coerces the other person to commit the offense ...”
Encouraging the suicide of another person: ARK. CODE ANN. § 5-10-107 (West 2022)	“A person commits the offense of <b>encouraging</b> the suicide of another person if: The person uses persistent language, either spoken or written, to purposely <b>encourage</b> another person to commit

App. 5

	suicide; and [a]s a proximate result of the person's <b>encouraging</b> the suicide of the other person, the other person commits suicide or attempts to commit suicide and the attempt results in serious physical injury.”
Contributing to the delinquency of a minor: ARK. CODE ANN. § 5-27-29 (West 2022)	“A person commits the offense of contributing to the delinquency of a minor if, being an adult, the person knowingly aids, causes, or <b>encourages</b> a minor [to do various acts].”
Unlawful use of encryption: ARK. CODE ANN. § 5-41-204(a)(2) (West 2022)	“A person commits unlawful use of encryption if the person knowingly uses or attempts to use encryption, directly or indirectly, to ... [a]id, assist, or <b>encourage</b> another person to commit any criminal offense[.]”
Frivolous, groundless, or malicious prosecutions: ARK. CODE ANN. § 5-53-131 (West 2022)	“Any officer or any person who knowingly brings or aids and <b>encourages</b> another person to bring a frivolous, groundless, or malicious prosecution ...”

App. 6

<b>CALIFORNIA</b>	
Criminal Profiteering; definitions: CAL. PENAL CODE § 186.2(a)(29) (West 2022)	“Criminal profiteering activity’ means an act ... made for financial gain or advantage ... in which the perpetrator <b>induces, encourages,</b> or persuades a person under 18 years of age to engage in a commercial sex act.”
Pandering and pandering with a minor; punishment: CAL. PENAL CODE § 266i(a)(2)-(5) (West 2022)	“By promises, threats, violence, or by any device or scheme, causes, <b>induces,</b> persuades, or <b>encourages</b> another person to become a prostitute.”
Suicide; aiding, advising, or encouraging: CAL. PENAL CODE § 401(a) (West 2022)	“Any person who deliberately aids, advises, or <b>encourages</b> another to commit suicide is guilty of a felony.”
Soliciting, inducing, encouraging, or intimidating minor to commit certain felonies: CAL. PENAL CODE § 653j(a) (West 2022)	“Every person 18 years of age or older who ... solicits, <b>induces, encourages,</b> or intimidates any minor with the intent that the minor shall commit a felony ....”
Lewd or lascivious acts with child under age 14: CAL. PENAL CODE § 1170.71 (West 2022)	“The fact that a person ... has used obscene or harmful matter to <b>induce,</b> persuade, or <b>encourage</b>

App. 7

	the minor to engage in a lewd or lascivious act shall be considered a circumstance in aggravation of the crime ....”
Controlled substances violations involving the use of minors as agent: CAL. PENAL CODE § 1203.07(a)(2) (West 2022)	“[P]robation shall not be granted to ... [a] person who ... solicits, <b>induces</b> , <b>encourages</b> , or intimidates a minor with the intent that the minor shall violate [laws pertaining to controlled substances.]”
<b>COLORADO</b>	
Criminal Solicitation: COLO. REV. STAT. ANN. § 18-2-301(1) (West 2022)	“[A] person is guilty of criminal solicitation if he or she commands, <b>induces</b> , entreats, or otherwise attempts to persuade another person ... to commit a felony.”
Contributing to the delinquency of a minor: COLO. REV. STAT. ANN. § 18-6-701(1)(a) (West 2022)	“Any person who <b>induces</b> , aids, or <b>encourages</b> a child to violate any state law that is a felony victims rights act crime ... commits first degree contributing to the delinquency of a minor.”
Misuse of official information: COLO. REV. STAT. ANN. § 18-8-402	“Any public servant [who] [a]ids, advises, or <b>encourages</b> another [to do



App. 8

(West 2022)	an act constituting misuse of official information] with intent to confer on any person a special pecuniary benefit.”
Uniform controlled substances act; special offenders: COLO. REV. STAT. ANN. § 18-18-407(1)(e) (West 2022)	“A person ... commits a level 1 drug felony and is a special offender [if] ... [t]he defendant solicited, induced, <b>encouraged</b> , intimidated, employed, hired, or procured a child ... to act as the defendant’s agent ....”
Recruitment of juveniles for a criminal street gang: COLO. REV. STAT. ANN. § 18-23-102 (West 2022)	“A person commits recruitment of a juvenile for a criminal street gang if he or she is eighteen years of age or old and ... [k]nowingly solicits, invites, recruits, <b>encourages</b> , coerces, or otherwise causes a [juvenile] to actively participate in or become a member of a criminal street gang[.]”
<b>CONNECTICUT</b>	
Coercion: CONN. GEN. STAT. ANN. § 53a-192(a) (West 2022)	“A person is guilty of coercion when he compels or <b>induces</b> another person to engage in conduct

App. 9

	which such other person has a legal right to abstain from engaging in ....”
Enticing a juvenile to commit a criminal act: CONN. GEN. STAT. ANN. § 53a-225(b) (West 2022)	“A person is guilty of enticing a juvenile to commit a criminal act if such person is twenty-three years of age or older and knowingly causes, <b>encourages</b> , solicits, recruits, intimidates or coerces a person under eighteen years of age to commit or participate in the commission of a criminal act.”
<b>DELAWARE</b>	
Criminal youth gangs: DEL. CODE ANN. tit. 11, § 617(b)(1) (West 2022)	“Any person who solicits, invites, recruits, <b>encourages</b> or otherwise causes or attempts to cause a juvenile or student to participate in or become a member of a criminal street gang ... is guilty of a class G felony.”
Acts constituting coercion: DEL. CODE ANN. tit. 11, § 791 (West 2022)	“A person is guilty of coercion when the person compels or <b>induces</b> a person to engage in conduct which the victim has a legal right to abstain from engaging in ....”

App. 10

<p>Unlawful use of a payment card: DEL. CODE ANN. tit. 11, § 903(a) (West 2022)</p>	<p>“A person is guilty of unlawful use of a payment card when the person uses or knowingly permits or <b>encourages</b> another to use a payment card [in a defined unlawful manner].”</p>
<p>Endangering the welfare of a child: DEL. CODE ANN. tit. 11, § 1102(a)(3) (West 2022)</p>	<p>“A person is guilty of endangering the welfare of a child when ... [t]he person knowingly <b>encourages</b>, aids, abets or conspires with the child to run away from the home of the child’s parents, guardian or custodian ....”</p>
<p>Sexual Solicitation of a child: DEL. CODE ANN. tit. 11, § 1112A(a)(2) (West 2022)</p>	<p>“A person is guilty of sexual solicitation of a child if the person, being 18 years of age or older, intentionally or knowingly ... [u]ses a computer, cellular telephone or other electronic device to communicate with another person, including a child, to solicit, request, command, importune, entice, <b>encourage</b>, or otherwise attempt to cause a child to engage in a prohibited sexual act.”</p>

App. 11

<b>FLORIDA</b>	
<p>Attempts, solicitation, and conspiracy: FLA. STAT. ANN. § 777.04(2) (West 2022)</p>	<p>“A person who solicits another to commit an offense prohibited by law and in the course of such solicitation commands, <b>encourages</b>, hires, or requests another person to engage in specific conduct which would constitute such offense ... commits the offense of criminal solicitation ....”</p>
<p>Causing, encouraging, soliciting, or recruiting criminal gang membership: FLA. STAT. ANN. § 874.05(1)(a) (West 2022)</p>	<p>“[A] person who intentionally causes, <b>encourages</b>, solicits, or recruits another person to become a criminal gang member where a condition of membership or continued membership is the commission of any crime commits a felony of the third degree ....”</p>
<p>Identification card: FLA. STAT. ANN. § 877.18(2) (West 2022)</p>	<p>“[T]he term ‘offer to sell’ includes every <b>inducement</b>, solicitation, attempt, or printed or media advertisement to <b>encourage</b> a person to purchase an identification card.”</p>

App. 12

<b>GEORGIA</b>	
Parties to crime: GA. CODE ANN. § 16-2-20(b)(4) (West 2022)	“A person is concerned in the commission of a crime only if he ... [i]ntentionally advises, <b>encourages</b> , hires, counsels, or procures another to commit the crime.”
Arson in the first degree: GA. CODE ANN. § 16-7-60(a) (West 2022)	“A person commits the offense of arson in the first degree when, by means of fire or explosive, he or she knowingly damages or knowingly causes, aids, abets, advises, <b>encourages</b> , hires, counsels, or procures another to damage [anything listed in section (a).]”
Contributing to delinquency, unruliness, or deprivation of minor: GA. CODE ANN. § 16-12-1(b)(1) (West 2022)	“A person commits the offense of contributing to the delinquency or depending a minor or causing a child to be a child in need of services when such person ... [k]nowingly and willfully <b>encourages</b> , causes, abets, connives, or aids a minor in committing a delinquent act[.]”

<b>HAWAII</b>	
<p>Criminal solicitation: HAW. REV. STAT. ANN. § 705-510(1) (West 2022)</p>	<p>“A person is guilty of criminal solicitation if, with the intent to promote or facilitate the commission of a crime, the person commands, <b>encourages</b>, or requests another person to engage in conduct or cause the result specified by the definition of an offense ....”</p>
<p>Promoting minor-produced sexual images in the second degree: HAW. REV. STAT. ANN. § 712-1215.6 (West 2022)</p>	<p>“A minor commits the offense of promoting minor-produced sexual images in the second degree if the minor ... [i]ntentionally or knowingly commands, requests, or <b>encourages</b> another minor [listed electronic device] to transmit to any person a nude photograph or video of a minor or the minor’s self.”</p>
<b>IDAHO</b>	
<p>Principals defined: IDAHO CODE ANN. § 18-204 (West 2022)</p>	<p>“All persons ... [who] aid and abet in [a crime’s] commission, or, not being present, have advised and <b>encouraged</b> its commission ... are principals in any crime so committed.”</p>

App. 14

<p>Hazing: IDAHO CODE ANN. § 18-917(2) (West 2022)</p>	<p>“‘[H]aze’ means to subject a person to bodily danger or physical harm or likelihood of bodily danger or physical harm, or to require, <b>encourage</b>, authorize or permit that person to be subjected [listed acts].”</p>
<p>Definition of Solicitation: IDAHO CODE ANN. § 18-2001 (West 2022)</p>	<p>“A person is guilty of criminal solicitation to commit a crime if with the purpose of promoting or facilitating its commission he solicits, importunes, commands, <b>encourages</b> or requests another person to engage in specific conduct which would constitute such crime ....”</p>
<p><b>ILLINOIS</b></p>	
<p>Contributing to the dependency and neglect of a minor: 720 ILL. COMP. STAT. 5/12C-25(a) (West 2022)</p>	<p>“Any parent, legal guardian or person having the custody of a child under the age of 18 years commits contributing to the dependency and neglect of a minor when he or she knowingly ... causes, aids, or <b>encourages</b> such minor to be or to become a dependent and neglected</p>

	minor[.]”
Drug induced infliction of harm to a child athlete: 720 ILL. COMP. STAT. 5/12C-45(a) (West 2022)	“A person commits drug induced infliction of harm to a child athlete when he or she knowingly ... <b>encourages</b> the ingestion of a drug by a person under the age of 18 with the intent that the person under the age of 18 ingest the drug for the purpose of quick weight gain or loss in connection with participation in athletics.”
Financial exploitation of an elderly person or a person with a disability: 720 ILL. COMP. STAT. ANN. 5/17-56(c)(4) (West 2022)	“‘Deception’ means ... the use or employment of any misrepresentation, false pretense or false promise in order to <b>induce, encourage</b> or solicit the elderly person or person with a disability to enter into a contract or agreement.”
<b>INDIANA</b>	
Aiding, inducing or causing an offense: IND. CODE ANN. § 35-41-2-4 (West 2022)	“A person who knowingly or intentionally aids, <b>induces</b> , or causes another person to commit an offense commits that offense ....”



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<p>Contributing to delinquency: IND. CODE ANN. § 35-46-1-8(a) (West)</p>	<p>“A person ... who knowingly or intentionally <b>encourages</b>, aids, <b>induces</b>, or causes a child to commit an act of delinquency ... commits contributing to delinquency ....”</p>
<p><b>IOWA</b></p>	
<p>Contributing to delinquency: IOWA CODE ANN. § 709A.1 (1)-(4) (West 2022)</p>	<p>“It shall be unlawful ... [t]o knowingly <b>encourage</b>, contribute, or in any manner cause such child to violate any law of this state, or any ordinance of any city.”</p>
<p>Student athlete prohibitions: IOWA CODE ANN. § 722.11 (2)(a) (West 2022)</p>	<p>“[A] person shall not give, offer, promise, or attempt to give any money or other thing of value to a student athlete or immediate family member of a student athlete ... [t]o <b>induce</b>, <b>encourage</b>, or reward the student athlete's application, enrollment, or attendance at an institution of higher education [or] <b>induce</b>, <b>encourage</b>, or reward the student athlete's participation in an intercollegiate sporting</p>

	event ....”
<b>KANSAS</b>	
Criminal solicitation: KAN. STAT. ANN. § 21-5303(a) (West 2022)	“Criminal solicitation is commanding, <b>encouraging</b> or requesting another person to commit a felony, attempt to commit a felony or aid and abet in the commission or attempted commission of a felony for the purpose of promoting or facilitating the felony.”
Contributing to a child’s misconduct or deprivation: KAN. STAT. ANN. § 21-5603(a)(1)-(2) (West 2022)	“Contributing to a child’s misconduct or deprivation is ... [k]nowingly causing or <b>encouraging</b> a child” [1] “to become or remain a child in need of care”; [2] “commit a traffic infraction” or misdemeanor; [3] to commit a felony; or [4] to violate terms of probation or conditional release.
Furnishing alcoholic beverages to a minor: KAN. STAT. ANN. § 21-5607(b) (West 2022)	“Furnishing alcoholic beverages to a minor for illicit purposes is ... to <b>encourage</b> or <b>induce</b> such child to commit or participate in, any act defined as a crime ....”

<b>KENTUCKY</b>	
Spreading false rumors regarding solvency of financial institutions: KY. REV. STAT. ANN. § 434.310 (West 2022)	“Any person who ... counsels, aids, procures, or <b>induces</b> another to start, transmit or circulate [any false rumor regarding solvency of a financial institution].”
Phishing: KY. REV. STAT. ANN. § 434.697(2) (West 2022)	“A person is guilty of phishing if he or she knowingly or intentionally solicits, requests, or takes any action to <b>induce</b> another person to provide identifying information by means of a Web page, electronic mail message, or otherwise using the Internet ....”
<b>LOUISIANA</b>	
Criminal assistance to suicide: LA. STAT. ANN. § 14:32.12 (2022)	“Criminal assistance to suicide is ... [t]he intentional advising or <b>encouraging</b> of another person to commit suicide ....”
Computer- aided solicitation of a minor: LA. STAT. ANN. § 14:81.3(A) (1) (2022)	“Computer-aided solicitation of a minor is committed when a person ... knowingly contacts or communicates [with a minor] ... for the purpose

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	of or with the intent to persuade, <b>induce</b> , entice, or coerce the person to engage or participate in sexual conduct or a crime of violence ....”
Pandering: LA. STAT. ANN. § 14:84(A)(1) (2022)	“Pandering” includes “[e]nticing, placing, persuading, <b>encouraging</b> , or causing the entrance of any person into the practice of prostitution, either by force, threats, promise, or by any other device or scheme.”
Bribery of parents of school children: LA. STAT. ANN. § 14:119.1 (A)(1) (2022)	“Bribery of parents of school children is the giving or offering to give, directly or indirectly, any money [to a legal guardian] as an <b>inducement to encourage</b> , influence, prompt, reward, or compensate any such person to permit, prompt, force, or cause any such child to attend any such school in violation of any law of this state”
<b>MAINE</b>	
Criminal solicitation: ME. REV. STAT. ANN.	“A person is guilty of criminal solicitation if the

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<p>tit. 17-A, § 153(1) (2022)</p>	<p>person, with the intent to cause the commission of the crime, and under circumstances that the person believes make it probable that the crime will take place, commands or attempts to <b>induce</b> another person [to commit a crime].”</p>
<p>Sexual misconduct with a child under 14 years of age: ME. REV. STAT. ANN. tit. 17-A, § 258(1) (2022)</p>	<p>“A person is guilty of sexual misconduct with a child under 14 years of age, if that [adult] knowingly displays any sexually explicit materials to another person ... with the intent to <b>encourage</b> the other person to engage in a sexual act or sexual contact.”</p>
<p>Tampering with a witness, informant, juror or victim: ME. REV. STAT. ANN. tit. 17-A, § 454(1)(A) (2022)</p>	<p>A person is guilty of tampering with a witness or informant if, believing that an official proceeding .... or an official criminal investigation is pending or will be instituted, the actor ... <b>[i]nduces</b> or otherwise causes, or attempts to cause, a witness or in-</p>

	formant ... to testify or inform in a manner the actor knows to be false; or withhold testimony, information or evidence.”
<b>MARYLAND</b>	
Use of personal identifying information to invite, encourage, or solicit another to commit sexual crime: MD. CODE ANN., CRIM. LAW § 3-325(b)	“A person may not use the personal identifying information or identity of an individual without consent to invite, <b>encourage</b> , or solicit another to commit a sexual crime against the individual.”
Misuse of electronic mail: MD. CODE ANN., CRIM. LAW § 3-805(a)(3)(iii) & (v) (West 2022)	Including within statute defining crime of misuse of electronic mail using “a computer or a computer network to ... <b>encourage</b> others to disseminate information concerning the sexual activity ... of a minor” or “ <b>encourage</b> others to engage in the repeated, continuing, or sustained use of electronic communication to contact a minor”
Sex trafficking: MD. CODE ANN., CRIM. LAW § 3-1102(a)(1) (iii) (West 2022)	“A person may not knowingly ... persuade, <b>induce</b> , entice, or <b>encourage</b> another to be taken to or

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	placed in any place for prostitution”
Blank or incorrect identification card: MD. CODE ANN., CRIM. LAW § 8-302 (West 2022)	“In this section, ‘offer for sale’ includes to <b>induce</b> , solicit, attempt, or advertise in a manner intended to <b>encourage</b> a person to purchase an identification card.”
<b>MASSACHUSETTS</b>	
Encitement of child under age 18 to engage in prostitution, human trafficking or commercial sexual activity: MASS. GEN. LAWS ch. 265, § 26D(c) (West 2022)	As used in this section, the term “entice” shall mean to lure, <b>induce</b> , persuade, tempt, incite, solicit, coax or invite .... Whoever, by electronic communication, knowingly entices a child under the age of 18 years, to engage in prostitution[,] human trafficking[,] or commercial sexual activity ... shall be punished ....”
Compulsion or coercion to refuse appointment or promotion: MASS. GEN. LAWS ch. 268, § 8B (West 2022)	“Any appointing authority or appointing officer ... who ... compels, or <b>induces</b> by the use of threats or other form of coercion, any person on an eligible list ... to refuse an appointment or promotion by such authority or officer to

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	any position in the classified civil service shall be punished ....”
Posing or exhibiting child in state of nudity or sexual conduct: MASS. GEN. LAWS ch. 272, § 29A(a) (West 2022)	“Whoever, ... with a lascivious intent, hires, coerces, solicits or entices, employs, procures, uses, causes, <b>encourages</b> , or knowingly permits such child to pose or to be exhibited in a state of nudity, for the purpose of representation or reproduction in any visual material, shall be punished ....”
<b>MICHIGAN</b>	
Presence of minor where alcohol is sold: MICH. COMP. LAWS ANN. § 750.141 (West 2022)	“[A] person who <b>encourages</b> or <b>induces</b> in any way the minor child to enter [a bar without parental supervision] or to remain therein shall be deemed guilty of a misdemeanor.”
Contributing to neglect or delinquency of children: MICH. COMP. LAWS ANN. § 750.145 (West 2022)	“Any person who shall by an act, or by any word, <b>encourage</b> , contribute toward, cause or tend to cause any minor child ... to become neglected or delinquent ....”



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<p>Procuring or inducing persons to engage in prostitution: MICH. COMP. LAWS ANN. § 750.455(b) (West 2022)</p>	<p>A person who ... <b>[i]nduces</b>, persuades, <b>encourages</b>, inveigles, or entices a person to become a prostitute [is guilty of a felony.]”</p>
<p><b>MINNESOTA</b></p>	
<p>Solicitation, inducement, and promotion of prostitution: MINN. STAT. ANN. § 609.322(1) (a)(1) (West 2022)</p>	<p>“[Whoever intentionally] solicits or <b>induces</b> an individual to practice prostitution [will be sentenced to imprisonment].”</p>
<p>Cellular telephone counterfeiting: MINN. STAT. ANN. § 609.894(4) (West 2022)</p>	<p>“A person commits the crime of cellular counterfeiting in the first degree if the person knowingly possesses or distributes [a counterfeiting device] and agrees with, <b>encourages</b>, solicits, or permits one or more other persons to engage in or cause, or obtain cellular telephone service through, cellular counterfeiting.”</p>
<p><b>MISSISSIPPI</b></p>	
<p>Assisting Suicide: MISS. CODE ANN. § 97-3-49 (West 2022)</p>	<p>“A person who willfully, or in any manner, advices, <b>encourages</b>, abets, or assists another person to take, or in taking, the lat-</p>

	ter’s life, or in attempting to take the latter’s life, is guilty of a felony ....”
Procuring prostitutes: MISS. CODE ANN. § 97-29-51(2)(a) (West 2022)	“A person commits the felony of promoting prostitution if the person ... [k]nowingly or intentionally entices, compels, causes, <b>induces</b> , persuades, or <b>encourages</b> by promise, threat, violence, or by scheme or device, another person to become a prostitute ....”
<b>MISSOURI</b>	
Endangering the welfare of a child in the first degree: MO. ANN. STAT. § 568.045(1)(3)	“A person commits the offense of endangering the welfare of a child in the first degree if he or she ... [k]nowingly <b>encourages</b> , aids or causes a child ... engage in conduct which [is a controlled substances offense].”
Misuse of official information: MO. ANN. STAT. § 576.050(1)(3) (West 2022)	“A public servant commits the offense of misuse of official information if [the public servant] [a]ids, advises, or <b>encourages</b> another [to do an act constituting misuse of official information] with purpose

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	of conferring a pecuniary benefit on any person.”
<b>MONTANA</b>	
Solicitation: MONT. CODE ANN. § 45-4-101(1) (West 2022)	“A person commits the offense of solicitation when, with the purpose that an offense be committed, the person commands, <b>encourages</b> , or facilitates the commission of that offense.”
Promoting prostitution: MONT. CODE ANN. § 45-5-602(1)(c) (West 2022)	“A person commits the offense of promoting prostitution if the person purposely or knowingly ... <b>encourages, induces</b> , or otherwise purposely causes another to become or remain a prostitute[.]”
Sexual abuse of children: MONT. CODE ANN. § 45-5-625(1)(c) (West 2022)	“A person commits the offense of sexual abuse of children if the person knowingly ... persuades, entices, counsels, coerces, <b>encourages</b> , directs, or procures a child ... to engage in sexual conduct, actual or simulated, or to view sexually explicit material or acts for the purpose of inducing or

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	persuading a child to participate in any sexual activity that is illegal[.]”
<b>NEBRASKA</b>	
Contributing to the delinquency of a child: NEB. REV. STAT. ANN. § 28-709(1) (West 2022)	“Any person who, by an act, <b>encourages</b> , causes, or contributes to the delinquency or need for special supervision of a child ... so that such child becomes, or will tend to become, a delinquent child, or a child in need of special supervision, commits contributing to the delinquency of a child.”
Visual depiction of sexually explicit conduct: NEB. REV. STAT. ANN. § 28-1463.03(3) (West 2022)	“It shall be unlawful for a person to knowingly employ, force, authorize, <b>induce</b> , or otherwise cause a child to engage in any visual depiction of sexually explicit conduct which has a child as one of its participants or portrayed observers.”
<b>NEVADA</b>	
Principals: NEV. REV. STAT. ANN. § 195.020 (West 2022)	“Every person [who] directly or indirectly, counsels, <b>encourages</b> , hires, commands, <b>induces</b> or otherwise procures

	another to commit a felony, gross misdemeanor or misdemeanor is a principal, and shall be proceeded against and punished as such.”
Pandering and sex trafficking: NEV. REV. STAT. ANN. § 201.300(2) (West 2022)	“A person ... is guilty of sex trafficking if the person ... <b>[i]nduces</b> , causes, recruits, harbors, transports, provides, obtains or maintains a child to engage in prostitution ....”
<b>NEW HAMPSHIRE</b>	
Criminal street gang; solicitation: N.H. REV. STAT. ANN. § 644:20 (2022)	“Any person who solicits, invites, recruits, <b>encourages</b> , or otherwise causes or attempts to cause another individual to become a member of ... a criminal street gang ... shall be guilty of a class A felony.”
Computer Pornography Prohibited: N.H. REV. STAT. ANN. § 649-B:3(I) (2022)	“No person shall knowingly [do enumerated acts] for purposes of facilitating, <b>encouraging</b> , offering, or soliciting sexual conduct of or with any child, or the visual depiction of such conduct.”
<b>NEW JERSEY</b>	
Prohibited activities	“A person is a recruiter for

<p>related to pyramid promotional schemes: N.J. STAT. ANN. § 2C:20-39(a)(2) (West 2022)</p>	<p>a pyramid promotional scheme if he solicits or <b>induces</b> any other person to participate in a [pyramid scheme] .... Recruiter for a pyramid promotional scheme is a crime of the fourth degree.”</p>
<p>Prostitution and related offense: N.J. STAT. ANN. § 2C:34-1(a)(4)(c) (West 2022)</p>	<p>“Promoting prostitution’ is ... <b>[e]ncouraging, inducing,</b> or otherwise purposely causing another to become or remain a prostitute[.]”</p>
<p><b>NEW MEXICO</b></p>	
<p>Promoting prostitution: N.M. STAT. ANN. § 30-9-4(D) (West 2022)</p>	<p>“Promoting prostitution consists of any person ... knowingly <b>inducing</b> another to become a prostitute[.]”</p>
<p>Criminal solicitation: N.M. STAT. ANN. § 30-28-3(A) (West 2022)</p>	<p>“[A] person is guilty of criminal solicitation if, with the intent that another person engage in conduct constituting a felony, he solicits, commands, requests, <b>induces,</b> employs or otherwise attempts to promote or facilitate another person to engage in conduct constituting a fel-</p>

	ony within or without the state.”
<b>NEW YORK</b>	
Coercion in the third degree: N.Y. PENAL LAW § 136.60 (McKinney 2022)	“A person is guilty of coercion in the third degree when he or she compels or <b>induces</b> a person to [do various conduct].”
Tampering with a witness in the fourth degree: N.Y. PENAL LAW § 215.10 (McKinney 2022)	“A person is guilty of tampering with a witness when, knowing that person is or is about to be called as a witness in an action or proceeding ... he wrongfully <b>induces</b> or attempts to <b>induce</b> such a person to absent himself from, or otherwise to avoid or seek to avoid appearing or testifying at, such action or proceeding[.]”
Sex trafficking: N.Y. PENAL LAW § 230.34(2) (McKinney 2022)	“A person is guilty of sex trafficking if he or she intentionally advances or profits from prostitution by ... making material false statements, misstatements, or omissions to <b>induce</b> or maintain the person being patronized to engage in or to continue to engage in prostitution ac-

	tivity[.]”
<b>NORTH CAROLINA</b>	
Soliciting; encouraging participation: N.C. GEN. STAT. ANN. § 14-50.17(a) (West 2022)	“It is unlawful for any person to cause, <b>encourage</b> , solicit, or coerce a person 16 years of age or older to participate in criminal gang activity.”
First degree sexual exploitation of a minor: N.C. GEN. STAT. ANN. § 14-190.16 (West 2022)	“A person commits the offense of first degree sexual exploitation of a minor if, knowing the character or content of the material or performance, he ... [u]ses, employs, <b>induces</b> , coerces, <b>encourages</b> , or facilitates a minor to engage in ... sexual activity for a live performance or for the purpose of producing material that contains a visual representation depicting this activity[.]”
Child abuse a felony: N.C. GEN. STAT. ANN. § 14-318.4(a1) (West 2022)	“Any parent or [guardian of a] child, who commits, permits, or <b>encourages</b> any act of prostitution with or by the child is guilty of child abuse ...”
<b>NORTH DAKOTA</b>	
Criminal solicitation: N.D. CENT. CODE ANN.	“A person is guilty of criminal solicitation if he



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<p>§ 12.1-06-03(1) (West 2022)</p>	<p>commands, <b>induces</b>, entreats, or otherwise attempts to persuade another person to commit a particular felony ...”</p>
<p>Encouraging minors to participate in a criminal street gang: N.D. CENT. CODE ANN. § 12.1-06.2-03(1) (West 2022)</p>	<p>“Any [adult] who knowingly or willfully causes, aids, abets, <b>encourages</b>, solicits, or recruits a [minor] to participate in a criminal street gang is upon conviction guilty of a class C felony.”</p>
<p><b>OHIO</b></p>	
<p>Compelling prostitution: OHIO REV. CODE ANN. § 2907.21 (West 2022)</p>	<p>“No person shall knowingly ... <b>[i]nduce</b>, procure, <b>encourage</b>, solicit, request, or otherwise facilitate ... [a] minor to engage in sexual activity for hire ....”</p>
<p>Personating an officer: OHIO REV. CODE ANN. § 2913.44 (West 2022)</p>	<p>“No person, with purpose to defraud or knowing that he is facilitating a fraud, or with purpose to <b>induce</b> another to purchase property or services, shall personate a law enforcement officer, or an inspector, investigator, or agent of any governmental agency.”</p>

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<p>Contributing to unruliness or delinquency: OHIO REV. CODE ANN. § 2919.24(B)(1) (West 2022)</p>	<p>“No person ... shall ... [a]id, abet, <b>induce</b>, cause, <b>encourage</b>, or contribute to a child or a ward of the juvenile court becoming an unruly child or a delinquent child.”</p>
<p><b>OKLAHOMA</b></p>	
<p>Aiding Suicide: OKLA. STAT. ANN. tit. 21, § 813 (West 2022)</p>	<p>“Every person who willfully, in any manner, advises, <b>encourages</b>, abets, or assists another in taking his own life, is guilty of aiding suicide.”</p>
<p>Child under 18 years of age—inducing, keeping, detaining or restraining from prostitution: OKLA. STAT. ANN. tit. 21, § 1088(A)(1) (West 2022)</p>	<p>“No person shall ... [b]y promise, threats, violence, or by any device or scheme ... cause, <b>induce</b>, persuade, or <b>encourage</b> a child under eighteen (18) years of age to engage or continue to engage in prostitution ....”</p>
<p><b>OREGON</b></p>	
<p>Tampering with a witness: OR. REV. STAT. ANN. § 162.285(1) (West 2022)</p>	<p>“A person commits the crime with a witness if ... [t]he person knowingly <b>induces</b> or attempts to <b>induce</b> a witness ... to offer false testimony or unlawfully withhold any testimony; or ... to be ab-</p>

	sent from any official proceeding to which the person has been legally summoned.”
Hazing: OR. REV. STAT. ANN. § 163.197(4)(a)(D) (West 2022)	“‘Haze’ means ... [t]o <b>induce</b> , cause or require an individual to perform a duty or task that involves the commission of a crime or an act of hazing.”
Endangering the welfare of a minor: OR. REV. STAT. ANN. § 163.575(1)(a) (West 2022)	“A person commits the offense of endangering the welfare of a minor if the person knowingly ... <b>[i]nduces</b> , causes or permits an unmarried [child] to witness an act of sexual conduct or sadomasochistic abuse ....”
<b>PENNSYLVANIA</b>	
Criminal Solicitation: 18 PA. STAT. & CONS. STAT. ANN. § 902(a) (West 2022)	“A person is guilty of solicitation to commit a crime if with the intent of promoting or facilitating its commission he commands, <b>encourages</b> or requests another person to engage in specific conduct which would constitute such crime ....”
Promoting Prostitution: 18 PA. STAT. &	“[P]romoting prostitution [includes] <b>encouraging</b> ,

<p>CONS. STAT. ANN. § 5902(b)(3) (West 2022)</p>	<p><b>inducing</b>, or otherwise intentionally causing another to become or remain a prostitute.”</p>
<p><b>RHODE ISLAND</b></p>	
<p>Pandering or permitting prostitution—Not allowed: R.I. GEN. LAWS ANN. § 11-34.1-7(a) (West 2022)</p>	<p>“It shall be unlawful for any person, by any promise or threat, by abuse of person, or by any other device or scheme, to cause, <b>induce</b>, persuade, or <b>encourage</b> a person to become a prostitute ....”</p>
<p>Exploitation of elders; Definitions: R.I. GEN. LAWS § 11-68-1 (West 2022)</p>	<p>“‘Deception’ means ... [u]sing any misrepresentation, false pretense, or false promise in order to <b>induce</b>, <b>encourage</b>, or solicit an elder person to enter into a contract or agreement.”</p>
<p><b>SOUTH CAROLINA</b></p>	
<p>Unlawful issuance, sale, or offer to sell identification card or document purporting to contain age or date of birth: S.C. CODE ANN. § 16-13-450 (2022)</p>	<p>“[T]he term ‘offer to sell’ includes every <b>inducement</b>, solicitation, attempt, printed or media advertisement to <b>encourage</b> a person to purchase an identification card.”</p>
<p>Prostitution; further unlawful acts: S.C.</p>	<p>“It shall further be unlawful to ... [c]ause, <b>induce</b>,</p>

<p>CODE ANN. § 16-15-100(2)-(3) (2022)</p>	<p>persuade or <b>encourage</b> by promise, threat, violence or by any scheme or device a female to become a prostitute ....”</p>
<p>First degree sexual exploitation of a minor: S.C. CODE ANN. § 16-15-395(A) (2022)</p>	<p>“An individual commits the offense of first degree sexual exploitation of a minor if, knowing the character or content of the material or performance, he ... uses, employs, <b>induces</b>, coerces, <b>encourages</b>, or facilitates a minor to engage in or assist others to engage in sexual activity ....”</p>
<p><b>SOUTH DAKOTA</b></p>	
<p>Aiding and abetting suicide: S.D. CODIFIED LAWS § 22-16-37 (2022)</p>	<p>“Any person who intentionally in any manner advises, <b>encourages</b>, abets, or assists another person in taking or in attempting to take his or her own life is guilty of a Class 6 felony.”</p>
<p>Promoting prostitution: S.D. CODIFIED LAWS § 22-23-2 (2022)</p>	<p>“Any person who ... <b>[e]ncourages, induces</b>, procures, or otherwise purposely causes another</p>

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	to become or remain a prostitute ... is guilty of promoting prostitution.”
<b>TENNESSEE</b>	
Prostitution: TENN. CODE ANN. § 39-13-512(4)(A) (West 2022)	“Promoting prostitution’ means ... <b>[e]ncouraging, inducing,</b> or otherwise purposely causing another to become a prostitute[.]”
Offenses by supervisors and employees: TENN. CODE ANN. § 39-16-410(a)(1) (West 2022)	“It is an offense for a supervisor to intentionally ... [i]nstruct, direct, or <b>encourage</b> an employee to make a false statement, entry, notation, or report during or in relation to an audit.”
<b>TEXAS</b>	
Criminal Responsibility for Conduct of Another: TEX. PENAL CODE ANN. § 7.02(a)(2) (West 2022)	“A person is criminally responsible for an offense committed by the conduct of another if ... acting with intent to promote or assist the commission of the offense, he solicits, <b>encourages,</b> directs, aids, or attempts to aid the other person to commit the offense[.]”
Criminal Solicitation: TEX. PENAL CODE ANN. § 15.03(a) (West 2022)	“A person commits an offense if, with intent that a capital felony or felony of

	the first degree be committed, he requests, commands, or attempts to <b>induce</b> another to engage in specific conduct that ... would constitute the felony ....”
Smuggling of Persons: TEX. PENAL CODE ANN. § 20.05(a)(2) (West 2022)	“A person commits an offense if the person knowingly ... <b>encourages</b> or <b>induces</b> a person to enter or remain in this country in violation of federal law by concealing, harboring, or shielding that person from detection ....”
<b>UTAH</b>	
Criminal responsibility for direct commission of offense or for conduct of another: UTAH CODE ANN. § 76-2-202 (West 2022)	“Every person, acting with the mental state required for the commission of an offense who directly commits the offense, who solicits, requests, commands, <b>encourages</b> , or intentionally aids another person to engage in conduct which constitutes an offense shall be criminally liable as a party for such conduct.”
Financial exploitation	“‘Deception’ means ... the

<p>of a vulnerable adult— Penalties: UTAH CODE ANN. § 76-5-111.4 (West 2022)</p>	<p>use or employment of any misrepresentation, false pretense, or false promise in order to <b>induce, en- courage</b>, or solicit a vulnerable adult to enter into a contract or agree- ment.”</p>
<p>Exploiting prostitution: UTAH CODE ANN. § 76- 10-1305(1)(b) (West 2022)</p>	<p>“An individual is guilty of exploiting prostitution if the individu- al ... <b>encourages,</b> <b>induces</b>, or otherwise purposely causes another to become or remain a prostitute[.]”</p>
<p><b>VERMONT</b></p>	
<p>Contributing to juve- nile delinquency: VT. STAT. ANN. tit. 13, § 1301 (West 2022)</p>	<p>“A person who causes, <b>en- courages</b>, or contributes to the delinquency of a minor shall be imprisoned ....”</p>
<p>Home improvement fraud: VT. STAT. ANN. tit. 13, § 2029(b)(3) (West 2022)</p>	<p>“A person commits the of- fense of home improvement fraud when he or she enters into a contract or agree- ment ... and he or she knowingly ... uses or em- ploys any unfair or deceptive act or practice in order to <b>induce, encour-</b></p>



	<b>age</b> , or solicit such person to enter into any contract or agreement or to modify the terms of the original contract or agreement[.]”
<b>VIRGINIA</b>	
Recruitment of persons for criminal street gang: VA. CODE ANN. § 18.2-46.3(A) (West 2022)	“Any person who solicits, invites, recruits, <b>encourages</b> , or otherwise causes or attempts to cause another [or juvenile] to actively participate in or become a member of what he knows to be a criminal street gang.”
Causing or encouraging acts rendering children delinquent, abused: VA. CODE ANN. § 18.2-371 (West 2022)	“Any person 18 years of age or older, including the parent of any child, who ... willfully contributes to, <b>encourages</b> , or causes any act, omission, or condition that renders a child delinquent, in need of services, in need of supervision, or abused or neglected ... is guilty of a Class 1 misdemeanor.”
Inducing another to give false testimony: VA. CODE ANN. § 18.2-436 (West 2022)	“If any person procure or <b>induce</b> another to commit perjury or to give false testimony under oath in violation of any provision

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	of this article, he shall be punished ....”
<b>WASHINGTON</b>	
False advertising: WASH. REV. CODE ANN. § 9.04.010 (West 2022)	“Any person, firm, corporation or association who with intent to sell or in any wise dispose of merchandise ... <b>induce[s]</b> the public in any manner to enter into any obligation relating thereto, ... makes, publishes, disseminates, circulates, or places before the public ... [a false advertisement] ... shall be guilty of a misdemeanor ....”
Barratry: WASH. REV. CODE ANN. § 9.12.010 (West 2022)	“Every person who brings on his or her own behalf, or instigates, incites, or <b>encourages</b> another to bring, any false suit at law or in equity in any court of this state, with the intent thereby to distress or harass a defendant in the suit ... is guilty of a misdemeanor ....”
<b>WEST VIRGINIA</b>	
Procuring for house of prostitution: W. VA. CODE ANN. § 61-8-7	“Any person who shall procure an inmate for a house of prostitution, or

(West 2022)	who, by promises, threats, violence, or by any device or scheme, shall cause, <b>induce</b> , persuade or <b>encourage</b> a person to become an inmate of a house of prostitution ... shall be punished ....”
Solicitation to commit certain felonies: W. VA. CODE ANN. § 61-11-8a (West 2022)	“‘solicitation’ means the willful and knowing instigation or <b>inducement</b> of another to commit a felony crime of violence against the person of a third person[.]”
<b>WISCONSIN</b>	
Sexual exploitation of a child: WIS. STAT. ANN. § 948.05(1)(a), (2) (West 2022)	“Whoever ... [e]mploys, uses, persuades, <b>induces</b> , entices, or coerces any child to engage in sexually explicit conduct for the purpose of recording or displaying in any way the conduct [with knowledge of the character and content of the sexually explicit conduct may be penalized.]”
Contributing to truancy: WIS. STAT. ANN. § 948.45 (West 2022)	“[A]ny person 17 years of age or older who, by any act or omission, knowingly <b>encourages</b> or contrib-

	utes to the truancy ... of a person 17 years of age or under is guilty of a Class C misdemeanor.”
<b>WYOMING</b>	
Solicitation to commit felony: WYO. STAT. ANN. § 6-1-302(a) (West 2022)	“A person is guilty of solicitation to commit a felony if, with intent that a felony be committed, he commands, <b>encourages</b> or facilitates the commission of that crime under circumstances strongly corroborative of the intention that the crime be committed but the solicited crime is not attempted or committed.”
Sports bribery: Wyo. Stat. Ann. § 6-3-609(b)(i)(A) (West 2022)	“A person is guilty of sports bribery if ... [h]e bribes or offers to bribe a participant or official in an athletic contest with the intent to ... <b>[i]nduce</b> a participant to lose or limit the margin of victory or defeat[.]”
Abandoning or endangering children: WYO. STAT. ANN. § 6-45-403(b)(i)-(ii) (West 2022)	“No person shall knowingly ... [c]ause, <b>encourage</b> , aid or contribute to a child’s violation of any law of this state [or] [c]ause,

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	<p><b>encourage</b>, aid or permit a child to enter, remain or be employed in any place or premises used for prostitution or for professional gambling[.]”</p>
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