

CALIFORNIA



Laws Pertaining to Sexting in the State of California

Under California law, individuals who distribute,



possess or produce a sexually explicit image of a minor could be charged under the State's child pornography statutes. If the individual is tried as an adult and is convicted they could receive up to 6 years in jail and will generally be required to register as a sex offender. California lawmakers have recently proposed a bill that would reduce the punishment for first time sexting offenders who are minors. Such punishment would include community service and mandatory counseling (to be paid for by the minor's parents). In addition, a bill has been proposed in California that would punish a teenager with expulsion from school if they are caught sexting in school.

Legislative Summary

California lawmakers have recently proposed a bill that would make it illegal for a minor to take, send or receive a sexually explicit image of a minor, but if the offender is under the age of 18, the punishment would be in the form of community service and mandatory counseling that would be paid for by the offender's parents. Most recently, a California lawmaker has proposed a bill in which teens caught sexting in school would be expelled. In general, it appears that the law would apply to

the teen if they were on their way to or from school as well as during school hours. It is not clear if the proposed bill would apply to sext messages where the subject of the image was not the student who sent the text. Currently, under California law individuals, regardless of age, who produce, distribute or possess an image of a minor engaged in sexually explicit conduct are committing a felony. If convicted under the child pornography statutes then an individual could receive up to 6 years in jail and will generally be required to register as a sex offender.

Law and Punishment

In general, the California child pornography statutes provide that:

- If any person distributes or possesses any obscene matter knowing that the matter depicts a person under the age of 18 years personally engaging in or personally simulating sexual conduct
 - For commercial purposes is guilty of a felony and shall be punished by imprisonment for up to 6 years, or by a fine not exceeding \$100,000.
 - For commercial purposes is guilty of a felony and shall be punished by imprisonment for up to 6 years, or by a fine not exceeding \$100,000.
 - For exchanging with another person above the age of 18, shall be punished by imprisonment in the county jail for up to 1 year, or by a fine not exceeding \$2,000.
 - For exchanging with another person under the age of 18, is guilty of a felony.
- A person is guilty of sexual exploitation of a child if he or she knowingly develops, duplicates, prints, or exchanges image that depicts a person under the age of 18 years engaged in an act of sexual conduct shall be punished by a fine of not more than \$2,000 or by imprisonment in jail for up to 1 year, or by both.
- If any person produces an image of a minor engaged in sexual acts for commercial purposes is guilty of a felony and shall be punished by imprisonment for up to 6 years, or by a fine not exceeding \$100,000.
- If a person produces an image of a minor engaged in sexual conduct, he or she is guilty of a felony.
- If found convicted under the child pornography statute a person will generally be required to register as a sex offender.

http://mobilemediaguard.com/states/sexting_laws_california.html