

State Laws Overview

The severity of a child's action in terms of sexting is not always fully understood by both the children involved or their parents, but all 50 states have some type of legal enforcement.

While most parents understand that a child caught with sexually explicit images on their phone is criminal, the severity of the charges that could be assessed against the child can be sobering. For example, in states that have not specifically addressed sexting, it is very possible that the state will defer to its child pornography laws to address the action. As such, parents and their children need to begin to appreciate the following:

- Possession of a sexually explicit image of a minor is a crime in and of itself.
- Distribution (sending a sexually explicit image of a minor to others) is a crime in and of itself.
- Promoting (the act of taking the picture of a minor who is engaged in a sexual act, even if the person taking the photo is the object of the photo) or coercing or soliciting (requesting a minor or tricking a minor into sending a sexually explicit image) is a crime in and of itself.
- A teenager who takes a naked picture of themselves and sends it to another teen, has technically committed 3 felony crimes.
- They could be charged with promoting, distributing and possessing child pornography and if convicted, could face real jail time.
- A teen who receives a sexually explicit image (even if it was not requested) can be charged with possession and if they send the picture to anyone else they are looking at distribution charges if caught.
- If one of the children is 18 (17 in some states) they are adults in the eyes of the law and even though they may be in a relationship with another teen, if that teen is under the age of 18 (17 in some states) there is a much greater risk of strict prosecution.
- If convicted, the conviction will most likely be a felony and require the teenager to register as a sex offender.

While prosecutors tend to be reluctant to pursue aggressive sentences for teens who are caught sexting with a boyfriend or girlfriend, however, if the sexting image gets distributed to more than one child, then there is more pressure on the legal system to make an example out of the wrongdoers and impose heavier penalties. Regardless, if a teen gets caught with a sexually explicit image of a minor on their phone, that teen is going to be subject to the criminal process.

Arrests will still be made, lawyers will need to be hired to defend the child, and an incident can follow the child around for the rest of his or her life. Needless to say, it can turn into a very stressful situation from a simple lapse of judgment.

While the criminal component of teenage sexting is by far the most popular topic people focus on when it comes to the topic of sexting, there are many other adverse aspects of teenage sexting that can impact a teenagers life or his or her families life in a negative way. These include...

Civil Liability for Parents

In general, most teenagers do not pay for their own cellphone. The account is in their parents name. Therefore, the parent technically owns the phone and permits the child to use the phone.

If a child breaks up with their boyfriend or girlfriend and has sexually explicit images of them and they distribute those pictures and the ex-boyfriend or ex-girlfriend suffers harm in any way, a lawyer could argue that the parent should be held monetarily liable for the child's actions because the phone was used in a manner in which it was not intended to be used.

Parents should think of putting a cellphone in the hands of their child no differently than they think of tossing their child the keys to the family car. There is no difference except that the parent probably has insurance on the automobile. We live in a litigious society and in general, when someone suffers harm at the expense of another person someone is going to get sued.

Exposure to Sexual Predators and Pedophiles

Police and law enforcement agencies across the United States are warning teenagers and parents about the dangers of sexting.

Mostly because if the pictures get on to the Internet they become available to anyone, including sexual predators and pedophiles who are constantly trolling the Internet looking for images and pictures of children. Many of the sexting images that get distributed to more than 1 person end up making their way onto the Internet and into the collections of pedophiles.

Many times, if it is possible, the pedophile will try to seek out the teen in the picture and use the picture as blackmail so they can get more pictures of the teen or even worse try to arrange meetings for sexual encounters.]

Cyberbullying

One of the consequences of teenage sexting can be ridicule and peer abuse, especially if the teen who took the picture meant for the picture to remain private between her or him and the recipient.

When naked pictures get distributed amongst other classmates or peers the object of the pictures can become the subject of relentless ridicule, teasing and bullying. Many times the abuse does not stop after the teen leaves school. Social networking sites, text messaging and other ways to communicate keep teens connected to one another 24/7 and for the teen who is getting abused it can become overwhelming because there is nowhere to go to escape.

A frightening example of this happened in Ohio when an 18 year old girl whose naked photo she sent to her boyfriend got distributed amongst her classmates and peers. The abuse she took became so overwhelming that she sought the only way out she could think of and killed herself. Another girl, a 13 year old from Florida had a similar situation which ended the same way. Neither one of these children intended for the photo they took to be distributed.

There has been a lot of media attention on cyberbullying and schools are trying to crack down on the practice, but like everyday gossip it is hard to police and stop. Stopping teenage sexting however, would be a good start.

College Admissions/Job Placement

Universities and employers are increasingly checking applicants social media sites as well as other background checks before granting admission or extending job offers. If schools or prospective employers come across sexually explicit images of an applicant, see that the applicant was involved in the distribution of a naked photo of another teen, or the applicant was arrested, or charged with a misdemeanor or worse a felony, then chances are the applicant is not going to be accepted or offered the job regardless of the applicants grades, or qualifications. The pictures show a lapse of judgment and the last thing a school wants or employer wants to see in an applicant is bad judgment. Remember, especially with schools, the people reviewing the application do not know the applicant. All they have are the papers submitted and the information they find on their own. They don't know the history or circumstances of why the picture was taken or distributed and generally, are not interested in finding out. They have a stack of other applications to go through and all they know is that this applicant had used bad judgment in the past and who is to say they won't use bad judgment again and embarrass the university or bring unwanted attention to an employer. Four years of hard work can be destroyed in a matter of seconds because of the child's lapse of judgment and a teen's propensity to live in the moment and not focus on the lasting implications of their actions.

Sextortion

One of the more recent trends associated with teenage sexting is a practice of using a teen's explicit photograph against the teen to extort more pictures or even worse sexual favors from the teen. In general, the extortionist will threaten to release the picture on the teen's social networking site or send it to their school or parent unless the teen does something for the extortionist. In an attempt to keep everything quiet the teen will usually comply with the request, but when doing so is actually creating a bigger whole for themselves because now the extortionist has more ammunition at his or her disposal to extort the teen. The extortionist plays off the teen's necessity to keep their indiscretion quiet, in most cases, the last thing a teen wants is for their parents, principal or even their friends to see a naked photograph of themselves. Teens tend to think that the repercussions of their actions will be more severe coming from their parents or school rather than the extortionist, and the extortionist is more than willing to see how far the teen will go to keep their secret quiet.

Emotional Distress / Embarrassment

When a sexually explicit image which was never intended to be made public becomes public the object of the picture can suffer great harm emotionally. Many times the teen's behavior will change, grades will suffer, and depression can result. Many teens will need to seek professional help to get them through the trauma of the incident which can have long lasting implications. Remember that once something makes its way onto the Internet it will live there forever and even though it may be dormant for many years the potential of it reoccurring will always exist.

http://mobilemediaguard.com/state_main.html