



<http://www.ncsl.org/issues-research/telecom/sexting-legislation-2012.aspx>

2012 Sexting Legislation

As of August 23, 2012

In 2012, at least 13 states introduced or are considering bills or resolutions aimed at "sexting"—the practice of sending sexually explicit or nude or semi-nude photos of children by cell phone. Two states--Hawaii and South Dakota--enacted legislation in 2012.

Since 2009, when NCSL began tracking sexting legislation, at least 19 states and Guam have enacted bills to address youth sexting. *See also* [2011 Sexting Legislation](#), [2010 Sexting Legislation](#), [2009 Sexting Legislation](#), NCSL [LegisBrief: The Vexing Problem of Sexting](#).

CALIFORNIA

A.B. 321

Status: 2/1/2012--Failed.

Authorizes the court, if sexually explicit matter was in the possession of a minor, to order the minor to pay a fine not to exceed \$ 1,000, and to undergo counseling, with the cost of counseling to be borne by the minor's parents. Makes legislative findings and declarations regarding the problems associated with sexting.

A.B. 1043

Status: 2/1/2012--Failed.

Extends the Juvenile Court's jurisdiction to also include minors who engaged in sexting images of themselves or other minors. Requires a court to order a minor who engaged in sexting to perform 24 to 40 hours of community service.

S.B. 916

Status: 1/31/2012--Failed.

Expresses the intent of the Legislature to enact legislation to address the activity commonly referred to as "sexting" as it pertains to minors.

S.B. 919

Status: 8/25/2011--In Assembly Committee on Appropriations: Held in committee.

Amends provisions of the Interagency School Safety Demonstration Act relating to the School/Law Enforcement Partnership. Defines sexting for purposes of that act as the sending or receiving of sexually explicit pictures or video images by means of an electronic act. Requires the partnership's school safety programs to reduce sexting. Includes engaging in an act of sexting directed specifically toward a pupil or school personnel as an act for which a pupil may be suspended or expelled from school.

HAWAII

H.B. 573

Status: 1/26/12; In committee: Measure deferred/Failed - regular session adjourned.

Creates the misdemeanor offense of a minor electronically communicating indecent material. Creates the offense of possession of indecent material electronically communicated by a minor, which is a misdemeanor if committed by a minor and a class C felony if committed by an adult.

S.B. 51

Status: 1/21/12; To Senate Committee on Economic Development and Technology/Failed - regular session adjourned.

Creates the misdemeanor offense of a minor electronically communicating indecent material. Creates the offense of possession of indecent material electronically communicated by a minor, which is a misdemeanor if committed by a minor and a class C felony if committed by an adult.

Status: S.B. 2222

Status: 7/3/2012; Signed by Governor, Act 213

Prohibits adults from soliciting minors to electronically transmit nude images of minors; prohibits minors from electronically transmitting nude images of themselves or other minors, or soliciting other minors to do so; prohibits persons from possessing a nude image transmitted by a minor, but makes it an affirmative defense that the recipient made reasonable efforts to destroy the transmitted nude image.

KANSAS

H.B. 2467

Status: 1/18/2012; To House Committee on Corrections and Juvenile Justice/Failed - regular session adjourned.
Creates the crimes of unlawful dissemination and possession of a depiction of a minor.

NEW HAMPSHIRE

H.B. 1562

Status: 3/15/2012; Failed to pass House.

Establishes a criminal penalty for sending or receiving sexually explicit text messages or images by using a cell phone or other mobile device.

NEW JERSEY

A.B. 1160

Status: 1/10/2012; To Assembly Committee on Education.

Requires school districts to disseminate annually information to students and parents of guardians on the dangers of distributing sexually explicit images through electronic means.

A.B. 1161

Status: 1/10/2012; To Assembly Committee on Consumer Affairs.

Prohibits retail stores from selling cellular telephone equipment or cellular telephone equipment service contracts unless stores provide information brochures about sexting to customers who purchase such equipment or contracts.

S.B. 1391

Status: 2/6/2012; To Senate Committee on Commerce.

Prohibits retail stores from selling cellular telephone equipment or cellular telephone equipment service contracts unless stores provide information brochures about "sexting" to customers who purchase such equipment or contracts.

S.B. 1542

Status: 2/9/2012; To Senate Committee on Education.

Requires school districts to annually disseminate information to students and parents or guardians on the dangers of distributing sexually explicit images through electronic means.

NEW YORK

A.B. 8131

Status: 6/2/2011; To Assembly Committee on Governmental Operations.

Directs the attorney general to establish a 2 year juvenile sexting and cyberbullying education demonstration program in not less than 3 counties as a diversionary program for persons under 16 who have engaged in cyberbullying or sexting, in lieu of juvenile delinquency or criminal proceedings.

S.B. 3439

Status: 1/4/2012; To Senate Committee on Children and Families.

Relates to educating children on the harms of electronically sending and posting certain images of themselves.

OHIO

H.B. 53

Status: 2/1/2011; To House Committee on Criminal Justice.

Prohibits a minor, by use of a telecommunications device or other means, from knowingly creating, receiving, exchanging, sending, or possessing a photograph or other material showing a minor in a state of nudity.

H.B. 80

Status: 2/3/2011; To House Committee on Criminal Justice.

Prohibits a minor, by use of a telecommunications device, from knowingly sharing, exchanging, sending, or posting a photograph, video, or other material that shows a minor in a state of nudity; Defines a state of nudity for purposes of this prohibition; limits the offense of illegal use of a minor in a nudity-oriented material or performance to acts committed by persons 18 years of age or older.

OKLAHOMA

H.B. 2006

Status: 2/8/2011; To House Committee on Rules/Failed--Regular session adjourned.

Relates to crimes and punishments; relates to solicitation of sexual conduct or communication with a minor by use of technology; includes description of text messages with certain sexual content; modifies penalty for consensual text messages between certain persons; specifies penalty for certain persons; declares an emergency.

PENNSYLVANIA

H.B. 815

Status: 6/3/2011; To Senate Committee on Judiciary.

Amends the Crimes and Offenses Code; further provides for the offense of sexual abuse of children; defines the offense of sexting by minors.

S.B. 850

10/20/2011; To House Committee on Judiciary.

Amends the Crimes and Offenses Code and the Judiciary and Judicial Procedure Code; provides for the offense of cyberbullying and sexting by minors in criminal history record information; further provides for expungement and for juvenile records in relation to summary offenses, further providing for short title and purpose of chapter, for the scope of the Juvenile Act, for inspection of court files and records, for conduct of hearings and for right to counsel.

RHODE ISLAND

H.B. 5808

Status: 4/6/2011; In House Committee on Judiciary: Committee recommends measure to be held for further study.

Would create various criminal offenses relating to Internet activity. This act would take effect upon passage.

H.B. 7042

Status: 2/8/2012; In House Committee on Judiciary: Committee recommends measure to be held for further study.

Amends various chapters and provisions of the general laws to create to additional offenses relating to Internet activity that includes electronically disseminating indecent material to minors, sexting, unauthorized access to confidential information, cyberstalking and cyberharassment, and online impersonation; provides felony penalties for violations.

SOUTH CAROLINA

H.B. 3130

Status: 5/30/2012; From Senate Committee on Judiciary: Reported favorably with amendment.

Creates the offense of sexting; provides for a civil fine and an educational program for a person who commits the offense, provides for the restriction of a minor's driving privileges under certain circumstances, provides certain

safeguards for minors who commit the offense, and provides for the use of the uniform traffic ticket for the offense and for jurisdiction over the offense in the municipal or magistrates court.

S.B. 296

Status: 1/11/2011; To Senate Committee on Judiciary.

Creates the offense of sexting; provides for a civil fine and an educational program for a person who commits the offense, provides for the restriction of a minor's driving privileges under certain circumstances, provides certain safeguards for minors who commit the offense, and provides for the use of the uniform traffic ticket for the offense and for jurisdiction over the offense in the municipal or magistrates court.

SOUTH DAKOTA

S.B. 183

Status: 2/22/2012; Signed by Governor. Chapter 148.

Establishes the elements of the offense of juvenile sexting and provides a penalty.

WEST VIRGINIA

H.B. 4483

2/10/2012; To House Committee on Judiciary/ Failed--regular session adjourned.

Relates to sexting by minors; requires the Attorney General to develop an educational diversion program; provides rule-making authority; provides criteria to be used by prosecuting attorney for admittance into program; requires individual prosecuting attorneys to operate program; requires the West Virginia Prosecuting Attorneys Institute to oversee the administrative procedures for the program; and creates the opportunity to avoid prosecution for completion of the educational diversion program.

2011 Legislation Related to "Sexting"

2011 Year-end summary 1/23/2012

In 2011, at least 21 states and Guam introduced bills or resolutions aimed at "sexting"—the practice of sending sexually explicit or nude or semi-nude photos of children by cell phone. Bills were enacted in seven states (Florida, Nevada, New Jersey, New York, North Dakota, Rhode Island and Texas) and Guam in 2011.

Since 2009, when NCSL began tracking sexting legislation, at least 16 states and Guam have enacted bills to address youth sexting. In addition, the California Assembly passed a resolution in 2010, and Indiana (in 2009) and Rhode Island (in 2010) created study commissions relating to sexting. *See also* [2010 Sexting Legislation](#), [2009 Sexting Legislation](#), NCSL [LegisBrief: The Vexing Problem of Sexting](#).

For background information about youth sexting, see [Prevalence and Characteristics of Youth Sexting: A National Study](#), by Kimberly J. Mitchell, PhD, David Finkelhor, PhD, Lisa M. Jones, PhD, Janis Wolak, JD, published in *Pediatrics*, December 10, 2011.

ALASKA

H.B. 127

Status: 6/23/2011, Signed by Governor, but sexting provisions were amended out of enacted version.

Relates to the crimes of stalking, online enticement of a minor, unlawful exploitation of a minor, endangering the welfare of a child, sending an explicit image of a minor, harassment, distribution of indecent material to minors, and misconduct involving confidential information.

S.B. 72

Status: Pending; Carryover to 2012 session.

Relates to the crimes of stalking, online enticement of a minor, unlawful exploitation of a minor, endangering the

welfare of a child, sending an explicit image of a minor, harassment, distribution of indecent material to minors, and misconduct involving confidential information.

ARKANSAS

S.B. 741

Status: Failed--adjourned.

Addresses the problem of sexting; creates the offenses of wireless communication device stalking of a child and communicating improperly using a wireless device with a minor.

CALIFORNIA

A.B. 321

Status: Pending

Authorizes the court, if sexually explicit matter was in the possession of a minor, to order the minor to pay a fine not to exceed \$ 1,000, and to undergo counseling, with the cost of counseling to be borne by the minor's parents. Makes legislative findings and declarations regarding the problems associated with sexting.

A.B. 1043

Status: Pending

Extends the Juvenile Court's jurisdiction to also include minors who engaged in sexting images of themselves or other minors. Requires a court to order a minor who engaged in sexting to perform 24 to 40 hours of community service.

S.B. 916

Status: Pending

Expresses the intent of the Legislature to enact legislation to address the activity commonly referred to as "sexting" as it pertains to minors.

S.B. 919

Status: Pending

Amends provisions of the Interagency School Safety Demonstration Act relating to the School/Law Enforcement Partnership. Defines sexting for purposes of that act as the sending or receiving of sexually explicit pictures or video images by means of an electronic act. Requires the partnership's school safety programs to reduce sexting. Includes engaging in an act of sexting directed specifically toward a pupil or school personnel as an act for which a pupil may be suspended or expelled from school.

FLORIDA

H.B. 75

Status: 6/21/11, Signed by Governor. Chapter 2011-180.

Provides that minor commits offense of sexting if he or she knowingly uses computer or other device to transmit or distribute photograph or video of himself or herself which depicts nudity and is harmful to minors, or knowingly possesses such photograph or video that was transmitted or distributed to minor from another minor; provides that transmission or distribution of multiple photographs or videos is single offense if such photographs and videos were transmitted or distributed in same 24-hour period; provides that possession of multiple photographs or videos that were transmitted or distributed by minor is single offense if such photographs and videos were transmitted or distributed by minor in same 24-hour period; provides that act does not prohibit prosecution of minor for conduct relating to material that includes depiction of sexual conduct or sexual excitement or for stalking.

S.B. 888

Status: Failed

Provides that a minor commits the offense of sexting if he or she knowingly uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any photograph or video of himself or herself which depicts nudity and is harmful to minors; provides noncriminal and criminal penalties.

HAWAII

H.B. 573

Status: Pending; Carryover to 2012 session.

Creates the misdemeanor offense of a minor electronically communicating indecent material. Creates the offense of possession of indecent material electronically communicated by a minor, which is a misdemeanor if committed by a minor and a class C felony if committed by an adult.

S.B. 51

Status: Pending; Carryover to 2012 session.

Creates the misdemeanor offense of a minor electronically communicating indecent material. Creates the offense of possession of indecent material electronically communicated by a minor, which is a misdemeanor if committed by a minor and a class C felony if committed by an adult.

INDIANA

H.B. 1042

Status: Failed--Adjourned.

Relates to disseminating material harmful to minors. Provides defenses to the crimes of disseminating matter that is harmful to minors, child exploitation, and possession of child pornography if a cellular telephone was used and the defendant and recipient of the matter are certain ages and meet other requirements. Provides that a school corporation may offer classes, instruction, or programs regarding the risks and consequences of creating and sharing sexually suggestive or explicit materials. Provides that discipline rules adopted by a school corporation must prohibit bullying through the use of computers, computer systems, or computer networks of a school corporation.

S.B. 554

Status: Failed--Adjourned.

Relates to disseminating material harmful to minors. Provides defenses to the crimes of disseminating matter that is harmful to minors, child exploitation, and possession of child pornography if a cellular telephone was used and the defendant and recipient of the matter are certain ages and meet other requirements. Provides that a school corporation may offer classes, instruction, or programs regarding the risks and consequences of creating and sharing sexually suggestive or explicit materials. Provides that discipline rules adopted by a school corporation must prohibit bullying through the use of computers, computer systems, or computer networks of a school corporation.

IOWA

D. 1251

Relates to child pornography and sexting.

KANSAS

House Substitute for S.B. 63

Status: 5/25/2011, Signed by Governor, but sexting provisions were amended out of enacted version.

Amends the crime of sexual exploitation of a child.

MISSISSIPPI

H.B. 368

Status: Failed--Adjourned.

Includes the storing of a visual depiction of child pornography on cell phones as a violation of exploitation of children.

NEVADA

S.B. 277

Status: 6/3/11, Signed by Governor, Chapter 245

Revises provisions governing certain acts by juveniles relating to the possession, transmission and distribution of certain sexual images.

NEW JERSEY

A.B. 1560

Status: Pending.

Requires school districts to annually disseminate information to students and parents or guardians on the dangers of distributing sexually explicit images through electronic means.

A.B. 1561

Status: June 29, 2011. Signed by Governor, Chapter 128

Creates diversionary program for juveniles who are criminally charged for "sexting" or posting sexual images.

A.B. 1562

Status: Pending.

Prohibits retail stores from selling cellular telephone equipment or cellular telephone equipment service contracts unless stores provide information brochures about "sexting" to customers who purchase such equipment or contracts.

S.B. 2698

Status: Pending.

Requires school districts to annually disseminate information to students and parents or guardians on the dangers of distributing sexually explicit images through electronic means.

S.B. 2699

Status: Pending.

Prohibits retail stores from selling cellular telephone equipment or cellular telephone equipment service contracts unless stores provide information brochures about sexting to customers who purchase such equipment or contracts.

S.B. 2700

Status: Pending.

Creates diversionary program for juveniles who are criminally charged for sexting or posting sexual images.

S.B. 2907

Status: Pending.

Requires public school districts to include instruction on the dangers of distributing sexually explicit images through electronic means as part of the Core Curriculum Content Standards in Comprehensive Health and Physical Education.

NEW YORK

A.B. 8131

Status: Pending

Directs the attorney general to establish a 2 year juvenile sexting and cyberbullying education demonstration program in not less than 3 counties as a diversionary program for persons under 16 who have engaged in cyberbullying or sexting, in lieu of juvenile delinquency or criminal proceedings.

A.B. 8170

Status: September 23, 2011, Signed by Governor, Chapter 535

Creates an educational reform program and a diversionary program for certain juveniles who are criminally charged with certain offenses involving the creation, exhibition or distribution of a photograph depicting nudity through the use of an electronic communication device, an interactive wireless communications device or a computer.

S.B. 3439

Status: Pending.

Relates to educating children on the harms of electronically sending and posting certain images of themselves.

NORTH DAKOTA

H.B. 1371

Status: 3/21/2011, Signed by Governor. Chapter 99.

Relates to the creation, possession, or dissemination of sexually expressive images.

OHIO

H.B. 53

Status: Pending.

Prohibits a minor, by use of a telecommunications device or other means, from knowingly creating, receiving, exchanging, sending, or possessing a photograph or other material showing a minor in a state of nudity.

H.B. 80

Status: Pending.

Prohibits a minor, by use of a telecommunications device, from knowingly sharing, exchanging, sending, or posting a photograph, video, or other material that shows a minor in a state of nudity; Defines a state of nudity for purposes of this prohibition; limits the offense of illegal use of a minor in a nudity-oriented material or performance to acts committed by persons 18 years of age or older.

OKLAHOMA

H.B. 2006

Status: Pending; Carryover to 2012 session.

Relates to crimes and punishments; relates to solicitation of sexual conduct or communication with a minor by use of technology; includes description of text messages with certain sexual content; modifies penalty for consensual text messages between certain persons; specifies penalty for certain persons; declares an emergency.

OREGON

S.B. 677

Status: Failed--adjourned.

Creates a partial defense to certain sex offenses for certain juveniles and persons less than three years older than the victim. Reduces sex offense to crime of inappropriate use of sexual image. Creates the crime of inappropriate use of sexual image. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both.

S.B. 678

Status: Failed--adjourned.

Creates a partial defense to certain sex offenses for certain juveniles and persons less than three years older than victim. Reduces sex offense to crime of inappropriate use of sexual image or, under certain circumstances, authorizes court to impose sentence not to exceed any otherwise applicable mandatory minimum or presumptive sentence, whichever is longer. Creates crime of inappropriate use of sexual image. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both.

PENNSYLVANIA

H.B. 815

Status: Pending.

Amends the Crimes and Offenses Code; further provides for the offense of sexual abuse of children; defines the offense of sexting by minors.

S.B. 850

Status: Pending.

Amends the Crimes and Offenses Code and the Judiciary and Judicial Procedure Code; provides for the offense of cyberbullying and sexting by minors in criminal history record information; further provides for expungement and for juvenile records in relation to summary offenses, further providing for short title and purpose of chapter, for the scope of the Juvenile Act, for inspection of court files and records, for conduct of hearings and for right to counsel.

RHODE ISLAND

H.B. 5094

Status: 7/12/2011. Signed by Governor, Public Law 2011-270.

Prohibits the use of a computer or other telecommunication device to transmit an indecent visual depiction of himself or herself to another person, which is commonly known as sexting, by minors; provides that any violation of this act is deemed to be a status offense and shall be referred to the family court. This act would take effect upon passage.

H.B. 5808

Status: Pending.

Would create various criminal offenses relating to Internet activity. This act would take effect upon passage.

S.B. 733

Status: 7/12/2011. Signed by Governor, Public Law 2011-295.

Would create various criminal offenses relating to Internet activity. This act would take effect upon passage.

SOUTH CAROLINA

H.B. 3130

Status: Pending.

Creates the offense of sexting; provides for a civil fine and an educational program for a person who commits the offense, provides for the restriction of a minor's driving privileges under certain circumstances, provides certain safeguards for minors who commit the offense, and provides for the use of the uniform traffic ticket for the offense and for jurisdiction over the offense in the municipal or magistrates court.

S.B. 296

Status: Pending.

Creates the offense of sexting; provides for a civil fine and an educational program for a person who commits the offense, provides for the restriction of a minor's driving privileges under certain circumstances, provides certain safeguards for minors who commit the offense, and provides for the use of the uniform traffic ticket for the offense and for jurisdiction over the offense in the municipal or magistrates court.

SOUTH DAKOTA

S.B. 179, Failed--adjourned

Defines and prohibits the offenses of juvenile sexting and aggravated juvenile sexting and provides for certain sanctions and remedies.

TEXAS

S.B. 407/H.B. 1309

Status: 6/17/11, Signed by Governor, Chapter 1322

Relates to the creation of the offense of electronic transmission of certain visual material depicting a minor and to certain educational programs concerning the prevention and awareness of that offense.

GUAM

Bill No. 41-31 (COR)

Status: March 8, 2011, Signed by Governor

Relates to bullying, cyberbullying and sexting.

2010 Legislation Related to "Sexting"

Last update: January 4, 2011

In 2010, at least 16 states and Guam introduced or are considering bills or resolutions aimed at "sexting"—the practice of sending sexually explicit or nude or semi-nude photos of children by cell phone. The legislation generally aims to educate young people about the risks of sexting, deter them from the practice and apply appropriate penalties to those who do engage in sexting.

Since 2009, when NCSL began tracking sexting legislation, at least 10 states have enacted bills to address youth sexting. In addition, the California Assembly passed a resolution in 2010, and Indiana (in 2009) and Rhode Island (in 2010) created study commissions relating to sexting. *See also* [2011 Sexting Legislation](#) and [2009 Sexting Legislation](#).

ARIZONA

[S.B. 1266](#)

Status: Signed by Governor, May 7, 2010

Establishes, as class 2 misdemeanors, the offenses of using an electronic communication device to transmit visual depictions of minors that depict explicit sexual material and possessing such visual depictions. Outlines defenses to possessing visual depictions.

CALIFORNIA

[A.C.R. 100](#)

Status: February 26, 2010, Adopted/Chaptered.

Recognizes the month of February 2010 as National Teen Dating Violence Awareness and Prevention Month. Encourages all Californians to observe the month with appropriate programs and activities.

CONNECTICUT

[H.B. 5533](#)

Status: May 26, 2010, Enrolled, Public Act 10-191

Relates to sexting and protecting children from the dangers and consequences of inappropriate use of technology.

FLORIDA

[H.B. 1335](#)

Status: Died in Committee.

Provides that minor commits offense of sexting if he or she knowingly electronically transmits or distributes to another person any photograph or video of himself or herself which depicts nudity & is harmful to minors, or knowingly possesses such photograph or video that was transmitted or distributed to minor from another minor; provides noncriminal & criminal penalties; provides that act does not prohibit prosecution of minor for conduct relating to material that includes depiction of sexual conduct or sexual excitement or for stalking.

[S.B. 2560](#)

Status: Died in Messages.

Provides that a minor commits the offense of sexting if he or she knowingly uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another person any photograph or video of himself or herself which depicts nudity and is harmful to minors, or knowingly possesses such a photograph or video that was transmitted or distributed to the minor from another minor, etc.

GEORGIA

[H.B. 1334](#)

Includes cellular telephone transmissions as prohibited methods of transmission for furnishing obscene material to minors.

ILLINOIS

H.B. 4583

Status: July 19, 2010, Signed by Governor

Provides that a minor shall not distribute or disseminate an indecent visual depiction of another minor through the use of a computer or electronic communication device. Provides that a minor who violates any of these provisions may be subject to a petition for adjudication and adjudged a minor in need of supervision. Provides that a minor found to be in need of supervision under this provision may be: (1) ordered to obtain counseling or other supportive services to address the acts that led to the need for supervision; or (2) ordered to perform community service.

S.B. 2513

Amends the Juvenile Court Act of 1987 and the Criminal Code of 1961. Provides that a minor shall not knowingly and voluntarily and without threat or coercion use a computer or electronic communication device to transmit an indecent visual depiction of himself or herself to another person. Provides that a person shall not possess a visual depiction transmitted to the person in violation of this provision.

INDIANA

H.B. 1115

Status: Failed; regular session adjourned.

Sending of sexual material by cell phone or other media. Provides that a school corporation may offer classes, instruction, or programs regarding the risks and consequences of creating and sharing sexually suggestive or explicit materials. Provides defenses to the crimes of disseminating matter that is harmful to minors, child exploitation, and possession of child pornography if a cellular telephone was used and the defendant and recipient of the matter are certain ages and meet other requirements

H.B. 1276 (Note: sexting provisions were amended out in later versions.)

Requires the sentencing policy study committee to study and make recommendations regarding the sending of sexually suggestive or sexually explicit material over the Internet or by use of a cell phone or similar device. Provides that school corporations may provide instruction or programs regarding domestic violence. Amends the definition of "bullying" to include communications transmitted from an electronic communications device or through a social networking web site.

S.B. 152

Status: Failed; regular session adjourned.

Sharing sexually explicit material. Authorizes a school corporation to provide education concerning the potential risks and consequences of creating and sharing sexually suggestive or explicit materials through cell phones, over a computer, or through other digital media. Provides that, for a defendant charged with an offense involving the dissemination or display to minors of material that is harmful to minors or obscene, it is a defense that the defendant was less than four years older than the minor who received or accessed the matter and that the minor expressly or implicitly acquiesced in the defendant's conduct.

KENTUCKY

H.B. 57

Status: Failed; regular session adjourned.

Creates a new section of KRS Chapter 531 to prohibit a person under 18 years of age from transmitting a nude image of himself or herself or another person under 18 years of age to another person by computer or electronic means as a violation for the first offense and a Class B misdemeanor for each subsequent offense; provides for juvenile court jurisdiction; prohibits requiring registration as sex offender; creates new section of KRS Chapter 531 to prohibit possession of a nude image of a person under 18 years of age as a violation for the first offense and a Class B misdemeanor for each subsequent offense; provides for juvenile court jurisdiction for person under 18 at time of commission of offense and District Court jurisdiction for persons over 18; prohibits requiring registration as sex offender.

H.B. 143

Status: Failed; regular session adjourned.

Relates to crimes and punishments; prohibits a person under 18 years of age from transmitting a nude image of

himself or herself or another person under 18 years of age to another person by computer or electronic means as a violation for the first offense and a Class B misdemeanor for each subsequent offense; provides for juvenile court jurisdiction; prohibits requiring registration as sex offender.

LOUISIANA

H.B. 1357

Status: July 6, 2010, Signed by Governor

Prohibits the transmission of indecent visual depictions in certain circumstances.

MISSISSIPPI

H.B. 643

Status: Failed. Died in Committee.

Creates the criminal offense of the use of cellular or electronic devices that shows minors under the age of eighteen in a state of nudity; provides penalties for violations.

NEW JERSEY

A.B. 1560

Requires school districts to annually disseminate information to students and parents or guardians on the dangers of distributing sexually explicit images through electronic means.

A.B. 1561

Creates diversionary program for juveniles who are criminally charged for "sexting" or posting sexual images.

A.B. 1562

Prohibits retail stores from selling cellular telephone equipment or cellular telephone equipment service contracts unless stores provide information brochures about "sexting" to customers who purchase such equipment or contracts.

NEW YORK

A.B. 8622

Relates to educating children on the harms of electronically sending and posting certain images of themselves.

S.B. 5680

Relates to educating children on the harms of electronically sending and posting certain images of themselves.

OHIO

H.B. 132/S.B. 103

Prohibits a minor, by use of a telecommunications device, from recklessly creating, receiving, exchanging, sending, or possessing a photograph or other material showing a minor in a state of nudity.

H.B. 473

Prohibits a minor, by use of a telecommunications device, from knowingly receiving, exchanging, sending, posting, or possessing a photograph, video, or other material that shows a minor in a state of nudity; defines a state of nudity for purposes of the prohibition; limits the offense of illegal use of a minor in nudity-oriented material or performance to acts committed by persons a specified age or older.

OKLAHOMA

H.B. 3321

Status: Failed; regular session adjourned.

Relates to solicitation of sexual conduct or communication with a minor by use of technology; including description of text messages with certain sexual content; modifies penalty for consensual text messages between certain persons; specifies penalty for certain persons.

PENNSYLVANIA

S.B. 1121

Amends the Crimes and Offenses Code and the Judiciary and Judicial Procedure Code. Provides for the offense of dissemination of prohibited materials by minors. In criminal history record information. Further provides for expungement and for juvenile records. In relation to summary offenses, further providing for the scope of the Juvenile Act, for inspection of court Files and records and for conduct of hearings.

H.B. 2189

Amends criminal code defining the offense of dissemination of prohibited materials by minors via electronic communications.

RHODE ISLAND

H.B. 7778

Status: Failed; regular session adjourned.

Prohibits the use of a computer or other telecommunication device to transmit an indecent visual depiction of himself or herself to another person, which is commonly known as "sexting," by minors. Any violation of this act is deemed to be a status offense and shall be referred to the family court.

S.B. 2635

Status: Failed; regular session adjourned.

Would prohibit the use of a computer or other telecommunication device to transmit an indecent visual depiction of himself or herself to another person, which is commonly known a "sexting", by minors any violation of this act is deemed to be a status offense and shall be referred to the family court. This act would take effect upon passage. Would prohibit the use of a computer or other telecommunication device to transmit an indecent visual depiction of himself or herself to another person, which is commonly known a "sexting", by minors any violation of this act is deemed to be a status offense and shall be referred to the family court. This act would take effect upon passage.

S.B. 2871

Status: May 26, 2010; Adopted, Chapter 2010-274

Creates a special senate commission to study and make recommendations related to the problem of cyberthreats, cyberbullying, bullying and sexting.

SOUTH CAROLINA

H.B. 4504

Creates the offense of sexting; provides a fine and an educational program for a person who commits the offense, and provides for expungement of the person's record upon completion of an educational program and payment of a fine.

GUAM

B436

Relates to bullying, cyberbullying, and sexting.

2009 "Sexting" Legislation

Year-end summary; revised September 1, 2010.

In 2009, lawmakers in at least 12 states introduced legislation aimed at "sexting"—the practice of sending nude or semi-nude photos of children by cell phone. Introduced legislation generally aims to 1) deter and apply appropriate penalties to youth who engage in sexting, or 2) close loopholes in existing criminal laws so that sexual predators are prohibited from using text messaging to contact children. This list includes both types of bills. Bills of the latter type are listed below those aimed at youth sexting. *See also* [2010 Sexting Legislation](#) and "[The Vexing Issue of Sexting](#)," *State Legislatures*, August 2009. (Also related: [Electronic Solicitation or Luring Laws](#).)

COLORADO

H.B. 1163

Status: **June 10, 2009; Signed by Governor, Chapter 343**

Clarifies that the crime of internet sexual exploitation of a child applies to an individual the actor knows or believes to be under the age of 15 and at least four years younger than the actor. Clarifies that previous convictions for child abuse in Colorado or another state apply to the aggravated sentencing provisions for that offense. Modifies the crime of sexual exploitation of a child by possession of sexually exploitative material to include the possession of one video recording of child pornography. Currently, it is a class 4 felony to possess more than 20 different items of sexually exploitative material and, under the bill, one video recording would essentially equal the current 20 items.

INDIANA

S.R. 90

Status: April 29, 2009; Passed Senate.

Urges the legislative council to assign to the sentencing policy study committee the topic of mental and sexual development as related to criminal offenses, including the use of cellular telephones to send explicit photographs and video ("sexting"), especially by children.

MISSOURI

H.B. 62

Status: **July 9, 2009; Signed by Governor**

Makes it a misdemeanor crime knowingly or recklessly to photograph, film, videotape, produce or otherwise create obscene material with a minor or child. Exempts youths aged 19 or younger who pleaded guilty or nolo contendere to, or were convicted of, or found guilty of [sexting] from being included in the sexual offender registry if he or she meets certain conditions.

NEBRASKA

L.B. 97

Status: **May 20, 2009; Signed by Governor.**

Appropriates funds to aid in carrying out the provisions of Legislative Bill 97 that changes provisions relating to foreign corporations and provisions, penalties relating to certain sex offenders, child enticement, internet use by sexually violent predators, statute of limitations for incest, confidentiality of material of a sexual nature held by law enforcement and provisions relating to the Sex Offender Registration Act; harmonizes provisions.

NEW JERSEY

A.B. 3754 / S.B. 2701

Status: March 16, 2009; To Senate Committee on Judiciary.

Establishes permissive inferences related to conduct that serves as predicate to sex offenses against minors.

A.B. 4068 / S.B. 2923

Status: June 11, 2009; To Assembly Committee on Education

Requires school districts to annually disseminate information to students and parents or guardians on the dangers of distributing sexually explicit images through electronic means.

A.B. 4069 / S.B. 2926

Status: June 11, 2009; To Assembly Committee on Judiciary.

Creates diversionary program for juveniles who are criminally charged for sexting or posting sexual images.

A.B. 4070 / S.B. 2925

Status: June 11, 2009 To Assembly Committee on Consumer Affairs.

Prohibits retail stores from selling cellular telephone equipment or cellular telephone equipment service contracts unless stores provide information brochures about sexting to customers who purchase such equipment or contracts.

NEW YORK

A.B. 8622

Status: June 10, 2009; To Assembly Committee on Ways and Means.

Relates to educating children on the harms of electronically sending and posting certain images of themselves.

NORTH DAKOTA

H.B. 1186

Status: **August 18, 2009; Chaptered, Chapter 133**

Relates to a sexually expressive image; provides for a misdemeanor offense for a person who knowingly acquires, possesses or distributes any photograph or visual representation that exhibits a nude or partially denuded figure without the person's consent; relates to publishing such image of a minor after notification that a parent or guardian does not consent.

OHIO

H.B. 132/S.B. 103

Status: April 23, 2009; To House Committee on Criminal Justice./April 21, 2009; To Senate Judiciary-Criminal Justice Committee

Prohibits a minor, by use of a telecommunications device, from recklessly creating, receiving, exchanging, sending, or possessing a photograph or other material showing a minor in a state of nudity.

PENNSYLVANIA

S.B. 1121

Status: October 19, 2009; To Senate Committee on Judiciary

Amends the Crimes and Offenses Code and the Judiciary and Judicial Procedure Code. Provides for the offense of dissemination of prohibited materials by minors. In criminal history record information. Further provides for expungement and for juvenile records. In relation to summary offenses, further providing for the scope of the Juvenile Act, for inspection of court Files and records and for conduct of hearings.

UTAH

H.B. 14

Status: **March 30, 2009; Signed by Governor. Chapter 345**

Provides penalties for minors that distribute pornographic material or deal in material harmful to a minor; provides that a non-minor who solicits a person younger than 18 to distribute pornographic material or deal in material harmful to a minor is guilty of a third degree felony and is subject to specified penalties; provides enhanced penalties for subsequent violations.

VERMONT

S.B. 125

Status: **June 1, 2009; Signed by Governor.**

Addresses compliance issues related to the federal Adam Walsh Child Safety and Protection Act of 2006; create a new crime that addresses commercial sex trafficking; establishes age gap provisions within the child pornography laws to address conduct known as sexting; expands the list of registrable sex offenses; expands the number of

registered sex offenders on the Internet registry; and include sex offenders' home addresses on the Internet registry if the addresses are verified.

Related: At least two states enacted legislation in 2009 to close loopholes in existing criminal laws so that sexual predators are prohibited from using text messaging to contact children or disseminate prohibited information/images.

COLORADO

H.B. 1132

Status: **June 1, 2009; Signed by Governor.**

Adds telephone networks, data networks, text messages, and instant messages as means to commit computer dissemination of indecent material to a child, internet luring of a child, internet sexual exploitation of a child, and harassment.

OREGON

H.B. 2641

Status: **June 24, 2009; Signed by Governor. Chapter 517.**

Modifies definition of online communication for purposes of online sexual corruption of child.