

Sexting Can Mean Felony Charges for Teens

By Ashley Coneff, Trial Court Services Management Analyst

The term "sexting" – the act of sending sexually explicit messages or photographs, usually from one mobile phone to another – has become commonplace among teenagers. A 2008 survey by the National Campaign to Prevent Teen and Unplanned Pregnancy found that 20 percent of the surveyed teens, aged 13 to 19, electronically sent, or posted online, nude or seminude pictures or video of themselves.

To these teens, sexting may seem like a flirtatious or trivial act. But sexting can actually be the basis for serious felony charges, including child pornography. Courts are beginning to see such cases as sexting becomes more widespread.

Consider this typical sexting scenario:

Anne and Brad are both 17 years old and have been dating for one year. Anne trusts Brad and decides to text him a topless photo she took of herself with her cell phone. Brad loves Anne and would never share the picture with anyone, but does forward it to his home computer. The next day, Brad's buddy, Charlie, 16, borrows Brad's phone, discovers the topless photo of Anne and forwards it to himself. Charlie then decides to forward it to a few more of his buddies, all under 18.

Although Charlie is the obvious culprit, would it surprise you to learn that everyone in this scenario could be charged with at least one felony? Here's the list:

Manufacturing Child Pornography: The teen who takes a sexual photo of himself or herself. (Felony carrying 20-year prison sentence and/or up to \$100,000 fine)

Possessing Child Pornography: The teen who receives a sexual photo and keeps it on his or her phone or computer. This offense applies regardless of whether the teen is 18 years old. (Felony carrying 4-year prison term and/or up to \$10,000 fine)

Distributing Child Pornography: The teen who forwards the image he received to his friends. (Felony carrying 7-year prison sentence and/or up to \$50,000 fine)

Using a Computer During the Commission of a Crime: Many of today's cell phones could fall under the definition of "computer." (Felony carrying a maximum period of incarceration from 1-20 years)

These very real penalties are combined with the requirement of registration on the Michigan Sex Offender Registry: a database for all sex offenders, including the most despicable and dangerous child rapists. Being included on the Sex Offender Registry is not only a social stigma, but also a barrier to many opportunities. Leaving aside the restrictions on where the teen can work or live in proximity to a school—how about applying to colleges or for jobs? Or even dating?

Last year, more than 21 states introduced bills or resolutions aimed at sexting. Many schools ban sexting, and for good reason! In addition to criminal charges, sexting can also lead to exploitation, bullying, and embarrassment, all of which could have lasting effects on teens.

As this trend continues to grow, courts will see more sexting-related felonies. Usually, courts must deal with the aftermath of this and other trends. But, you can help protect kids from themselves by spreading the word about the dangers and illegality of teen sexting.

For more information on the survey conducted by the National Campaign to Prevent Teen and Unplanned Pregnancy go to: http://www.thenationalcampaign.org/sextech/pdf/sextech_summary.pdf. ■



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