

State Sexting Laws

A Brief Review of State Sexting Laws and Policies



Sameer Hinduja, Ph.D. and Justin W. Patchin, Ph.D.

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	"Sexting" law	Includes "Sexting"	Addresses under 18 sending	Addresses under 18 receiving	Penalty: Diversion	Penalty: Informal	Penalty: Misdem	Penalty: Felony	Revenge Porn Law	Other information
Alabama	NO									
Alaska	NO									
Arizona	YES		X	X			X		X	Includes explicit text
Arkansas	YES	X	X	X		X				8 hrs comm service
California	NO								X	
Colorado	NO								X	
Connecticut	YES	X	X	X			X			
Delaware	NO								X	
Florida	YES	X	X	X	X	X	X	X		
Georgia	YES		X	X			X	X	X	
Hawaii	YES		X	X			X		X	
Idaho	NO								X	
Illinois	YES		X		X	X				
Indiana	NO									
Iowa	NO									
Kansas	NO									
Kentucky	NO									
Louisiana	YES	X	X	X	X	X				
Maine	NO									
Maryland	NO								X	
Massachusetts	NO									
Michigan	NO									
Minnesota	NO									
Mississippi	NO									
Missouri	NO									
Montana	NO									
Nebraska	YES		X	X				X		
Nevada	YES		X	X	X	X	X			
New Hampshire	NO									
New Jersey	YES	X	X	X	X	X				
New Mexico	NO									
New York	YES		X	X	X	X			X	
North Carolina	NO									
North Dakota	YES		X	X			X			
Ohio	NO									
Oklahoma	NO									
Oregon	NO									
Pennsylvania	YES		X	X	X	X	X		X	
Rhode Island	YES	X	X		X	X				
South Carolina	NO									
South Dakota	YES	X	X	X			X			
Tennessee	NO									
Texas	YES		X	X	X	X	X			
Utah	YES		X	X			X	X	X	
Vermont	YES	X	X	X	X					
Virginia	NO								X	
Washington	NO								X	
West Virginia	YES	X	X	X	X					Educ diversion prog.
Wisconsin	NO									
Wyoming	NO									
STATE TOTALS	20	9	20	18	11	10	11	4	13	
FEDERAL	NO									
Washington DC	NO									

Notes: "Includes sexting" – includes "sexting" in the statute; "Addresses under 18 sending or receiving" – includes provisions if minors have sent or received sexually explicit images of other minors; "Diversion" – includes an option to pursue the case outside of the criminal/juvenile justice system; "Informal" – allows for/prescribes counseling or another informal sanction; "Misdem" – potential for a misdemeanor punishment; "Felony" – potential for a felony punishment.

Please let us know if you are aware of any updates not included in this summary.

Alabama

No sexting law.

Alaska

No sexting law.

Arizona

Those who distribute the image to only one person are subject to a fine, as it is a petty offense. Those who distribute the image to more than one person are committing a misdemeanor. Sexting in Arizona is considered a misdemeanor for the juvenile that sends the picture and also the juvenile that receives the picture. If the juvenile that received the picture did not request it and either deleted it or reported it to an authority figure, they did not violate the law.

<http://www.azleg.state.az.us/ars/13/03501.htm>

<http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/8/00309.htm&Title=8&DocType=ARS>

Revenge porn law: http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/51leg/2r/laws/0268.htm&Session_ID=112

Arkansas

Effective August 16, 2013 (SB 829) —“A juvenile commits the offense of possession of sexually explicit digital material if the juvenile purposely creates, produces, distributes, presents, transmits, posts, exchanges, disseminates, or possesses through a computer, wireless communication device, or digital media, any sexually explicit digital material. ... A juvenile who pleads guilty or nolo contendere to or is found guilty of violating this section may be ordered to eight (8) hours of 30 community service if it is the first offense for the juvenile.” <http://www.arkleg.state.ar.us/assembly/2013/2013R/Acts/Act1086.pdf>

Juvenile (under 18) must show that they did not solicit the images, that they did not subsequently distribute the images, and that they deleted the images upon receipt. Adults who induce explicit content from a child could be found guilty of a felony.

California

No sexting law.

October 1, 2013; Senate Bill 255, Chapter 466 “revenge porn” law. “Any person who photographs or records by any means the image of the intimate body part or parts of another identifiable person, under circumstances where the parties agree or understand that the image shall remain private, and the person subsequently distributes the image taken, with the intent to cause serious emotional distress, and the depicted person suffers serious emotional distress, is guilty of disorderly conduct and subject to...(1) a first violation of that offense is punishable by imprisonment in a county jail not exceeding 6 months, or by a fine not exceeding \$1,000, or by both that fine and imprisonment, and (2) a 2nd or subsequent violation of that offense, or any violation of that offense in which the victim was, at the time of the offense, a minor, is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding \$2,000, or by both that fine and imprisonment.” http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB255 See also: http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_2601-2650/ab_2643_bill_20140221_introduced.htm

Colorado

No sexting law.

Revenge porn law: http://www.leg.state.co.us/clics/clics2014a/csl.nsf/fsbillcont3/B8622059E18D26C687257C9A005794Fo?open&file=1378_enr.pdf

Connecticut

It is a misdemeanor for people between ages thirteen and seventeen to possess a picture of someone between the ages of thirteen and fifteen. It is a misdemeanor for people between the ages of thirteen and fifteen to send a picture portraying child pornography.

<http://www.cga.ct.gov/2010/ACT/PA/2010PA-00191-R00HB-05533-PA.htm>

Delaware

No sexting law.

Revenge porn law: <http://www.legis.delaware.gov/LIS/LIS147.NSF/vwLegislation/HB+260?Opendocument>

Florida

Punishment for the first violation of receiving or sending a text containing nudity and is harmful to minors may be either eight hours of community service or instead of community service, a \$60 fine. The minor can also be ordered to participate in a training class on sexting instead of, or in addition to, the community service or fine. The second offense is a misdemeanor and a third offense is a felony. In cases where multiple images were sent, all those sent within twenty-four hours are considered as a single offense. If the minor who received the images did not ask for them, reported the incident to an authority figure, and did not distribute the received image, the will not be charged with a sexting offense.

<http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?>

[FileName=_h0075er.docx&DocumentType=Bill&BillNumber=0075&Session=2011](http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=_h0075er.docx&DocumentType=Bill&BillNumber=0075&Session=2011)

Georgia

Effective July 1, 2013 (HB 156) - Penalty could be felony or misdemeanor, depending on facts of the case. Would be a misdemeanor if, for example, In the court's discretion, and when the prosecuting attorney and the defendant have agreed, if the defendant's violation of such paragraphs involved the distribution of such visual medium to another person but such distribution was not for the purpose of: (I) Harassing, intimidating, or embarrassing the minor depicted; or (II) For any commercial purpose.” <http://www.legis.ga.gov/Legislation/20132014/136927.pdf>

Revenge porn law: <http://www.legis.ga.gov/Legislation/20132014/143392.pdf>

Hawaii

It is a misdemeanor to both send and receive sexual images of a minor, which is anyone under the age of eighteen. It is an affirmative defense if the person who receives the image takes steps to delete the message.

http://www.capitol.hawaii.gov/session2012/bills/SB2222_CD1_.htm

Revenge porn law: http://www.capitol.hawaii.gov/session2014/bills/HB1750_CD1_.pdf

Idaho

No sexting law.

Revenge porn law: <http://www.legislature.idaho.gov/legislation/2014/H0563Bookmark.htm>

Illinois

“A minor shall not distribute or disseminate an indecent visual depiction of another minor through the use of a computer or electronic communication device.” Minors that are caught exchanging sexually explicit images may be sentenced to supervision and required to receive counseling or perform community service.

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=096-1087>

Indiana

No sexting law.

Iowa

No sexting law.

Kansas

No sexting law.

Kentucky

No sexting law.

Louisiana

For a first offense of possessing or transmitting indecent visual depictions of a minor, the offender will receive a minimum fine of \$100 to a maximum of \$250, incarcerated for up to ten days, or both. An exception to this provision is if they offender is placed on probation and performs two eight-hour days of community service. For a second offense, the offender will receive a minimum fine of \$250 to a maximum of \$500, incarcerated for a minimum of ten days to a maximum of thirty days. An exception to this provision is being placed on probation and performs five eight-hour days of community service. For a third offense, the offender will receive a minimum fine of \$500 to a maximum of \$700, incarcerated for a minimum of thirty days to a maximum of six months, or both. An exception to this provision is that the offender performs ten eight-hour days of community service.

<http://www.legis.state.la.us/billdata/streamdocument.asp?did=723241>

Maine

No sexting law.

Maryland

No sexting law.

Revenge porn law: <http://mgaleg.maryland.gov/webmga/frmMain.aspx?id=hb0043&stab=01&pid=billpage&tab=subject3&ys=2014RS>

Massachusetts

No sexting law.

Michigan

No sexting law.

Minnesota

No sexting law.

Mississippi

No sexting law.

Missouri

No sexting law.

Montana

No sexting law.

Nebraska

It is a felony to either possess or distribute sexually explicit images of a child. For those charged with possession, individuals that are eighteen and younger shall have an affirmative defense if they received a sexually explicit image of a minor, that is at least at fifteen years old, that was voluntary and knowingly created and provided by the minor, the image only depicts the one child, the defendant did not distribute the image to another person, and the defendant did not pressure the child to transmit or generate the image.

<http://nebraskalegislature.gov/FloorDocs/101/PDF/Final/LB97.pdf>

<http://nebraskalegislature.gov/laws/statutes.php?statute=28-1463.03>

<http://nebraskalegislature.gov/laws/statutes.php?statute=28-1463.04>

<http://nebraskalegislature.gov/laws/statutes.php?statute=28-1463.05>

<http://nebraskalegislature.gov/laws/statutes.php?statute=28-813.01>

Nevada

Minors who send sexually explicit images of themselves to others are considered a child in need of supervision for the first violation. For further violations, they can be subject to the same penalties if they had been an adult committing a

misdemeanor. They are not considered sex offenders and are not subject to registration. For those who distribute sexually explicit images of other minors, they can be subject to the same penalties if they had been an adult committing a misdemeanor. They are not considered sex offenders and are not subject to registration. For those who receive the images, they are considered a child in need of supervision. They are not considered sex offenders and are not subject to registration. It is an affirmative defense if the defendant did not coerce or ask for the sexual image, deleted the image, and reported and gave the proper authorities access to the image.

<https://nelis.leg.state.nv.us/76th2011/App#/76th2011/Bill/Text/SB277>

New Hampshire

No sexting law.

New Jersey

Every complaint is reviewed for recommendations to be dismissed, diverted, or referred for court action based on several criteria. If they are diverted, they will participate in a remedial education or counseling program paid for by the juvenile's parent or guardian. This program is designed to educate the teen on the potential consequences associated with sexting. http://www.njleg.state.nj.us/2010/Bills/A2000/1561_R2.HTM

New Mexico

No sexting law.

New York

The two persons involved in sending and receiving the message must both be under twenty and must be within five years of age from each other. They will have to participate in an education reform program that involves a maximum of eight hours of instruction that provides information regarding the legal consequences and non-legal consequences of sexting, and the problems associated with technology and bullying.

http://assembly.state.ny.us/leg/?default_fld=&bn=A08170&term=2011&Summary=Y&Text=Y

Revenge porn law: http://assembly.state.ny.us/leg/?default_fld=&bn=S01982&term=2013&Summary=Y&Text=Y

North Carolina

No sexting law.

North Dakota

It is a misdemeanor to create or possess a sexually expressive image without written consent of the individual. It is a misdemeanor to send sexually expressive images with the intent to harm the individual in the image who has a reasonable expectation of privacy; or after being told by the individual, parent or guardian does not consent to distribute the image. <http://www.legis.nd.gov/assembly/62-2011/documents/11-8225-02000.pdf>

Ohio

No sexting law.

Oklahoma

No sexting law.

Oregon

No sexting law.

Pennsylvania

October 25, 2012

§ 6321. Transmission of sexually explicit images by minor.

It is a summary offense for a minor to send or possess a sexually explicit image of a minor. It is a misdemeanor to transmit a sexually explicit image of a minor, other than themselves. Judges must first consider referring the minor to a diversionary program, and may order them to participate and complete an educational program. Upon successful completion, the minor's record for this crime shall be expunged.

<http://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/18/00.063.021.000..HTM>

www.legis.state.pa.us/WU01/LI/LI/US/HTM/2012/0/0198..HTM

Revenge porn law: [http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?](http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2013&sessInd=0&billBody=H&billTyp=B&billNbr=2107&pn=3866)

[txtType=PDF&sessYr=2013&sessInd=0&billBody=H&billTyp=B&billNbr=2107&pn=3866](http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2013&sessInd=0&billBody=H&billTyp=B&billNbr=2107&pn=3866)

Rhode Island

A minor transmitting a sexually indecent image of themselves to another person will be considered a status offense and referred to the family court. They will not be required to be a part of the sex offender registry.

<http://webserver.rilin.state.ri.us/BillText/BillText11/HouseText11/H5094.pdf>

South Carolina

No sexting law.

South Dakota

It is a misdemeanor for a minor to possess or send sexually indecent images of a minor. It is an affirmative defense if the minor has not solicited the image, did not distribute the image, and deleted the image.

<http://legis.state.sd.us/sessions/2012/Bill.aspx?File=SB183P.htm>

Tennessee

No sexting law.

Texas

Sexting is a misdemeanor for the first offense, while subsequent offenses are also misdemeanors, but with greater penalties. The minor may be sentenced to community supervision with a condition of fulfilling an educational program that is paid for by the defendant's parents. The educational program instructs minors on the issues associated with sexting. The minor can apply to have the conviction expunged on or after their seventeenth birthday. It is an affirmative defense if the minor has not solicited the image, obtained the image only after receiving it from another minor, and deleted the

image.

<http://www.capitol.state.tx.us/tlodocs/82R/billtext/pdf/SBoo407F.pdf#navpanes=0>

Utah

The penalty for minors engaging in sexting is a misdemeanor for the first offense. Subsequent offenses are felonies.

<http://le.utah.gov/~2009/bills/hbillenr/hb0014.pdf>

Revenge porn law: <http://le.utah.gov/~2014/bills/static/HBoo71.html>

Vermont

Minors engaging in sexting will be adjudicated delinquent and may be referred to the juvenile diversion program for the first offense. For subsequent offenses, they may be prosecuted for sexual exploitation of children, but do not have to be a part of the sex offender registry. All records will be expunged on the minor turning eighteen. It is not a violation if the person that received the text deleted the image.

<http://www.leg.state.vt.us/docs/2010/Acts/ACT058.pdf>

Virginia

No sexting law.

Revenge porn law: <http://lis.virginia.gov/cgi-bin/legp604.exe?141+ful+CHAP0399+pdf>

Washington

No sexting law.

West Virginia

Passed April 13, 2013 (effective 90 days later) (H.B. 2357) - "Any minor who intentionally possesses, creates, produces, distributes, presents, transmits, posts, exchanges, or otherwise disseminates a visual portrayal of another minor posing in an inappropriate sexual manner or who distributes, presents, transmits, posts, exchanges, or otherwise disseminates a visual portrayal of himself or herself posing in an inappropriate sexual manner shall be guilty of an act of delinquency and upon adjudication disposition may be made by the circuit court pursuant to the provisions of article five, chapter forty-nine of this code." http://www.legis.state.wv.us/Bill_Text_HTML/2013_SESSIONS/rs/pdf_bills/HB2357%20SUB%20ENR.pdf

Most of the law concerns itself with the details of an educational diversion program for minor who have engaged in sexting.

Wisconsin

No sexting law.

Revenge porn law: <https://docs.legis.wisconsin.gov/2013/related/acts/243.pdf>

Wyoming

No sexting law.

District of Columbia

No sexting law.

Federal

No sexting law.

Sameer Hinduja, Ph.D. is a professor at Florida Atlantic University and Justin W. Patchin, Ph.D. is a professor at the University of Wisconsin-Eau Claire. Together, they lecture across the United States and abroad on the causes and consequences of cyberbullying and offer comprehensive workshops for parents, teachers, counselors, mental health professionals, law enforcement, youth and others concerned with addressing and preventing online aggression. The Cyberbullying Research Center is dedicated to providing up-to-date information about the nature, extent, causes, and consequences of cyberbullying among adolescents.

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