## State Sexting Laws

A Brief Review of State Sexting Laws and Policies

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

June 2013

Cyberbullying Research Center  www.cyberbullying.us

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<tr>
<th>State</th>
<th>&quot; Sexting&quot; law</th>
<th>Includes &quot; Sexting&quot;</th>
<th>Addresses under 18 sending</th>
<th>Addresses under 18 receiving</th>
<th>Penalty: Diversion</th>
<th>Penalty: Informal</th>
<th>Penalty: Misdem</th>
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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

Arkansas
No sexting law.

California
No sexting law.

Colorado
No sexting law.

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.

Delaware
No sexting law.

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
Georgia

No sexting law.

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

Idaho

No sexting law.

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.

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 of-
fender 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.

**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=28-1463.05
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

**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.

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

Rhode Island
A minor transmitting a sexually indecent image of themself 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/SB00407F.pdf#navpanes=0

**Utah**

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

**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.

**Virginia**

No sexting law.

**Washington**

No sexting law.

**West Virginia**

No sexting law.

**Wisconsin**

No sexting law.

**Wyoming**

No sexting law.

**District of Columbia**

No sexting law.

Sameer Hinduja, Ph.D. is an Associate Professor at Florida Atlantic University and Justin W. Patchin, Ph.D. is an Associate 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.

For more information, visit http://www.cyberbullying.us
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