



SEXTING

DEFINITION:

Sending sexually explicit photos, images, text messages, or emails by using a cell phone or other mobile device.¹

Hawaii Laws:

- **Promoting Child Abuse in the First Degree (HRS §707-750)**⁴
Produces or participates in the preparation of child pornography.
Penalty: Class A felony; maximum of 20 years in prison.
- **Promoting Child Abuse in the Second Degree (HRS §707-751)**⁵
Disseminates images of child pornography.
Penalty: Class B felony; maximum of 10 years in prison or 4 years probation.
- **Promoting Child Abuse in the Third Degree (HRS §707-752)**⁶
Possesses images of child pornography.
Penalty: Class C felony; maximum of 5 years in prison or 4 years probation.
- **Promoting Minor-Produced Sexual Images in the First Degree (HRS §712-1215.5)**⁷
A person, eighteen years of age or older, commits the offense of promoting minor-produced sexual images in the first degree if the person intentionally or knowingly commands, requests, or encourages a minor to use a computer, cell phone, or any other device capable of electronic data transmission or distribution, to transmit to any person a nude photograph or video of a minor.
Penalty: Misdemeanor; maximum of 1 year in jail or 1 year probation with up to 6 months in jail as condition of probation.

FACTS:

- Older teens are much more likely to send and receive sexting images; 8% of 17-year-olds with cell phones have sent a sexually provocative image by text and 30% have received a nude or nearly nude image on their phone.²
- 15% of youth ages 12-17 say they have received sexually suggestive nude or nearly nude images of someone they know via text messaging on their cell phone.³

References:

1. *Definition of Sexting*. Dictionary. (n.d.) Web.
2. Lenhart, Amanda. "Teens and Sexting." Pew Research Center. (12/15/2009). Web.
3. Ibid.
4. 707 Hawaii Revised Statutes. Sections 750, 751, and 752. Hawaii State Legislature. Web.
5. Ibid.
6. Ibid.
7. 712 Hawaii Revised Statutes. Sections 1215.5 and 1215.6. Hawaii State Legislature. Web.

● Promoting Minor-Produced Sexual Images in the Second Degree (HRS §712-1215.6)⁸

A minor (younger than 18 years old) commits the offense of promoting minor-produced sexual images in the second degree if the minor:

- Knowingly uses a computer, cell phone, or any other device capable of electronic data transmission or distribution to transmit or distribute to another person a nude photograph or video of a minor or the minor's self; or
- Intentionally or knowingly commands, requests, or encourages another minor to use an electronic device to transmit to any person a nude photograph or video of a minor or the minor's self.

A person, of any age, commits the offense of promoting minor-produced sexual images in the second degree if the person:

- Knowingly possesses a nude photograph or video of a minor transmitted or distributed in violation of subsection (1). It is an affirmative defense under this subsection that the person took reasonable steps to destroy the nude image or photograph of a minor.

Penalty: Petty misdemeanor; maximum of 30 days in jail or 6 months probation with up to 5 days in jail as condition of probation.

Protecting Your Child from Sexting⁹

- Set rules for electronic devices.
- Talk to your child about the possible consequences of sexting.
- Remind your child that they can talk to you if they receive a nude picture or video on their cell phone.
- Report any nude or semi-nude images or videos that your child receives to law enforcement or contact www.cybertipline.com.

Consequences of Sexting¹⁰

- Your child or sender loses all control of sexting images, messages, or videos once it's been sent.
- The sexting images, messages, or videos are likely to be shared with friends.
- Your child could be humiliated or cyberbullied by the circulation of the sexually explicit contents.
- Your child could be extorted or blackmailed by the perpetrator.
- Your child could face child pornography charges.
- The sexting content could increase your child's likelihood of becoming a victim of physical abuse.
- The social consequences of sexting can impact your child's future, e.g. getting kicked off sports teams or extracurricular activities, losing scholarships, difficulty getting hired, etc.

For more information, go to: ag.hawaii.gov/cpja/ccp/internetsafety/

References:

8. Ibid.

9. NetSmartz. *Sexting Tips: Help Protect Children from Sexting*. National Center for Missing and Exploited Children. (n.d.) Web.

10. *What's Wrong with Sexting? Protecting Teens and Adults*. iKeepSafe. (n.d.) Web.