



From Policy to Practice

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“Sexting” and SB 1266: Why the Law Matters for Families and Youth



Arizona has an important new law, SB 1266, that will impact young people and their families by defining “**sexting**” and outlining its legal consequences. Previously a felony with severe consequences, sexting among juveniles is now a class 2 misdemeanor.

If charged, sexting is punishable by up to four months in jail, with the possibility for youth to participate in a diversion program (a program designed as an alternative to court proceedings for first time offenders) in order to keep the offense off the juvenile’s record.

In this report we discuss what research says about sexting, including why some youth sext. We also consider the legal implications for Arizona youth and their families, along with recommendations for parents, schools, and youth.

What is a Sext?

A sext, short for sex and text message, is defined in the Arizona law as “**a visual depiction of a minor that depicts explicit sexual material.**” In other words, a sext is a sexually explicit picture that is sent electronically, typically between mobile phones.

About Arizona Senate Bill 1266

Starting in July 2010, sexting among Arizona juveniles will become a class 2 misdemeanor, punishable by up to four months in jail. Under the new law, it is unlawful for juveniles to send or possess sexts using electronic communication devices, including computers and cell phones. Until now, sexting was considered sexual exploitation of a minor, which required sexters to register as sex offenders. Because the consequences were so harsh, legal authorities often did not charge youth with a crime when caught sexting. Through the new law, many more sexting cases are expected to be brought to law enforcement’s attention, but the lesser consequences associated with the new law allow for some cases to be sent to diversion programs, keeping the offense off the juvenile’s record.

Even youth that *receive* sexts are affected by the law. Juveniles will **not** be held responsible if **all of the following** apply:

- The image was not solicited,
- Reasonable steps were taken to erase the image, or
- The image was not forwarded to others.

Consequences are least severe in cases where there was a single image exchanged between *only two people* (a sender and receiver) and *both are minors*.



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Profile of a Sexter:

- Two times as likely to be **older** teens
- No differences between boys and girls in receiving; girls are nearly two times more likely to be senders.
- Spends more time online per week than their peers (31.7 hours, compared to 26.8 hours)
- Active users of online social sites such as myspace and Facebook
- More likely to have been bullied (30% vs. 19% for teens overall)

Sexting and Adolescent Development

There are five basic developmental issues in adolescence: the development of identity, autonomy, intimacy, sexuality, and achievement. How can we understand sexting in light of these issues?

Identity: During the teenage years youth ask: “Who am I?” Expressions of identity are normal and important for teens. Young people make sense of who they are and what is expected of them as they learn out how they “fit in.” Cell phones can be used for social networking and exploring or expressing an identity among peers: it can be part of normal identity development.

Autonomy or independence: Teenagers start to become more and more independent from parents – they learn to think for themselves, and make their own decisions. Cell phones may allow parents more access to teens when they are apart (through phone calls or texting); on the other hand, cell phones also have the potential to allow more independence: parents cannot fully control how teens use their phones. As teens develop independence, in order to make good independent decisions they need flexibility along with clear expectations and limits.

Intimacy: During the teenage years relationships at home begin to change, and youth begin to develop relationships outside the family. Intimacy does not only refer to dating – but also re-adjusted family relationships. The parent–teen relationship shifts from dependence on parents’ authority to one based on mutual trust and understanding. Cell phones allow teens to experiment with intimacy. They can explore different types of relationships including friendships, dating, changing relations with parents – all through texting and cell phone use.

Sexuality: Developing a healthy sexual identity and awareness is crucial in order to make good choices and avoid problems related to sexuality. Parents and communities need to create settings that allow youth to develop their attitudes and behaviors in healthy ways. Because cell phones create independence and allow youth to experiment with intimacy or new relationships, they may also be a way for youth to experiment with sexuality, which could result in sexting. Sexting is a sign that youth do not have a healthy understanding of sexuality, or healthy ways to express their sexual interests and feelings.

Achievement: Over the teenage years youth explore activities, areas of study, or future work in order to figure out what they may want to do as an adult. At the same time, achievement can be a source of competition or status. Cell phones may be a way teens feel that they have status (Which cell phone do you have? Is your phone cool enough?). Sexting can be a way for some teens to show off or gain status by bragging about the number of photos that they may have.

Coded Messaging

Teens may use codes in email and text messages that are unfamiliar to parents.

Acronyms about parents:

- **CD9** (code 9, parents around)
- **KPC** (keeping parents clueless)
- **MOS** (mom over shoulder)
- **PAL** (parents are listening)
- **PAW** (parents are watching)
- **PIR** (parents in room)

Acronyms used in sexting:

- **GNOC** (get naked on camera)
- **GYPO** (get your pants off)
- **IWSN** (I want sex now)
- **NIFOC** (nude in front of camera)

Changing Roles of Technology for Youth

The age at which teens acquire their first cell phone is younger than ever before. Cell phones are now capable of much more than simply calling – many are able to access Internet and take and send photos and videos. Texting has become a centerpiece in adolescents’ social lives and is taking on new roles in their sexual development.

- About **one in five teens have engaged in sexting** and over **one-third know of a friend** who has sent or received these kinds of messages.
- **Older teens** are much more likely to send and receive these 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.
- **Teens who pay their own cell phone bills** are more likely to send sexts.
- 80% of teen sexters are under the age of 18, and the majority of teens agree that sending sexts of someone under 18 is **wrong**, including half of those who have engaged in the behavior. Seven in 10 think people their age are too young to be sexting, but about **half think they are old enough to decide for themselves**.
- **Nearly all teens think that it’s dangerous to sext**, including sexters themselves. Only a small portion of sexters have been caught in the act. About half of teens think that **adults overreact** about sexting; half know that when someone gets caught there are **serious legal consequences**.

The vast majority of teens whose parents know they go online through their cell phones say that they are **not given any limits or controls** – far fewer than are given limits on their desktop or laptop computers. **Research also shows that when parents limit the number of texts or other messages that can be sent, teens are one-third less likely to send sexts!** Most sexters never get caught, but among those who do, parents are the most likely to be the ones to catch them. In the end, the teen is the one who makes the decision on how to use their cell phone, but parental guidance is crucial.

Who is Sexting?

Sometimes sexting happens privately between two romantic or sexual partners: the images may never be shared. However, once the sext is sent, it may be shared by one or both partners with people outside the relationship. But sexting may also take place between people who are not in a relationship; perhaps the sext was sent with the hopes of starting a relationship.

“Sometimes sexts have been used to bully, harass, and even blackmail the sender. For example, in several cases, sexts were shared by people who were dating; after a break-up, the ex- used the image to harass or blackmail the sender. This sext-based cyber bullying can cause a great deal of emotional damage, as well as damage a person’s reputation.”

Chris Segrin,
Professor of Communications,
University of Arizona

This research brief summarizes the following six reports and presentations:

- (1) LaWall, B. (2010). Arizona State Senate Fact Sheet for S.B. 1266. Retrieved from <http://www.azleg.state.az.us/legtext/44leg/2r/summary/s.1266fir.doc.htm>
- (2) Lenhart, A. (2009) *Teens and Sexting: How and why minor teens are sending sexually suggestive nude or nearly nude images via text messaging*. Retrieved from <http://www.pewinternet.org/Reports/2009/Teens-and-Sexting.aspx>
- (3) Levine, D., McCright, J., Dobkin, L., Woodruff, A.J., and Klausner, J.D. (2008). SEXINFO: A Sexual Health Text Messaging Service for San Francisco Youth. *American Journal of Public Health*, 98, 393-395.
- (4) Russell, S. T. & Thompson, E. M. (2010, May). *Sexting and Adolescent Development*. Powerpoint presented at Pima County Attorney’s Office Community Justice Boards, Tucson, AZ.
- (5) Segrin, C. (2010, May). *Family Dynamics and Youth Sexting*. Powerpoint presented at Pima County Attorney’s Office Community Justice Boards, Tucson, AZ.
- (6) Thomas, K. (May 2009). *Teen Online & Wireless Safety Survey: Cyberbullying, Sexting, and Parental Controls*. Presentation retrieved from http://www.cox.com/takecharge/safe_teens_2009/media/2009_teen_survey_internet_and_wireless_safety.pdf

Recommendations for Parents:

- Talk with your teen about your values and expectations regarding cell phone use, online activities, and sexuality. Explain your values, emphasizing the reasons that you care, rather than emphasizing rules. But be clear about expectations – as well as consequences.
- Consider a *Family Cell Phone Contract* that makes explicit what the expectations and rules are for your family, and what the consequences will be for violating the rules.
- Learn about options from your cell phone provider: there are growing options for parents. For example, you may be able to choose:
 - Unlimited versus limited texting
 - Restrictions on sending images and downloads
 - Whether or not the phone has Internet access
 - The time of day and night that the phone can send and receive calls and be online
- Consider that expectations and rules may change as your teen gets older. Younger teens may need more restrictions as they learn to use technology safely; it is good to give them more options and flexibility as they get older and demonstrate responsibility.
- Some parents feel that they do not want to violate privacy or trust; they view their teen's cell phone as private. There is a balance between providing appropriate independence – and appropriate monitoring of your teen. Consider that privacy may be a privilege for your teen that may be allowed as she or he gets older and can take on more responsibility.

Recommendations for Youth:

- Remember that anything you send digitally (online or by cell phone) moves beyond your control. No matter how much you trust someone, once it is sent, it is no longer yours.
- Think about whether you would do in person what you might show, say, or send online or by cell phone. **If you wouldn't do it face-to-face, don't click send!**
- Just because you did not send it originally, if you forward it to others you are sending a sext, and that is illegal.
- If you receive a sext, **do not forward it: delete it.** Do not even show it on your phone to someone who is not an adult – showing it is the same as sending it.
- Talk to your parents about their expectations for how you use your phone.
- Educate your friends about the law.

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