

# The Dangers of Legalizing Teen Sexting

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FullnessOfTimes.com

Wednesday, 15 April 2009

A recent survey commissioned by the National Campaign to Prevent Teen and Unplanned Pregnancy and Cosmogirl.com found that nearly 1 in 6 teens and young adults have engaged in sexting, a fairly new phenomenon of sending illicit pictures or videos of oneself—either nude or in sex acts—to others using a digital device such as a cell phone.

With its growing popularity among teenagers, FBI special agent Dan Vierthaler calls sexting “a big problem that has become epidemic.”

## **ACLU defends teen sexting**

Despite the many dangers of the practice, the American Civil Liberties Union filed a lawsuit on behalf of three Pennsylvania girls who engaged in sexting illicit pictures of themselves to male students, claiming they have a constitutional, First Amendment right to both produce and distribute what is legally classified as child pornography.

## **Sexting illegal**

Teens describe sexting as a means of “flirtation” or for a “joke.” But it is no laughing matter; sexting is a serious crime despite feelings to the contrary. State and federal laws targeting sexual predators and pedophiles make no distinctions regarding the age or condition of someone charged with possessing, producing, or distributing child pornography.

Beyond expulsion from school, those caught sexting face child pornography laws and being registered as sex offenders. Sexting places future employment and educational opportunities in jeopardy. It can also brand a teen as sexually promiscuous which can lead to unwanted sexual attention and even date rape.

And while teens frequently fail to comprehend that after leaving their hands sext messages are out of their control and often widely circulated, they have even less understanding that deleting the messages from their phones does not completely remove them. Digital forensics investigators can typically recover “deleted” data from digital devices (including computers, cell phones, iPods, and PDAs) months, even years later.

## **Vermont lawmakers seek to legalize teen sexting**

With the recent legalization of same-sex marriage behind them, Vermont lawmakers have turned their sights to decriminalizing child pornography.

Vermont Senator Richard Sears, D-Bennington and chairman of the Senate Judiciary Committee says sexting is “not something we want to give our OK to,” but worries about kids going to jail or being required to register as sex offenders over sexting.

[Senate Bill 125](#), “An Act Relating to Sex Offender Registration,” passed the Senate with a vote of 29:0, 1 absent. Mixed with other sex offense legislation is a unique and dangerous exemption which reads:

This section shall not apply if the person is less than 19 years old, the child is at least 13 years old, and the child knowingly and voluntarily and without threat or coercion used an electronic communication device to transmit an image of himself or herself to the person. This subsection shall not be construed to prohibit a prosecution under section 2605 of this title (voyeurism).

This language carves out an unprecedented exemption for consenting teens involved in sexting from prosecution under child pornography laws. In reality, it legalizes child pornography for this group.

Actions speak louder than words. While voicing non-approval, the lawmakers have their rubber stamp in hand, poised to decriminalize child pornography for teens. Many are even calling this a “fad”—as if to say it will go away on its own in time.

### Legalizing teen sexting is unwise

There are several problems with the direction Vermont lawmakers are taking:

1. Immoral behavior is not a “fad” but a trend. No one ever drifts to the right. This, and all immoral behavior, will never go away without the preaching of, and adherence to gospel principles—especially the law of chastity.
2. If this were a fad, there would be no reason to legislate an exemption. In fact, there is no reason. The history of other morality laws, such as sodomy laws (before they were federally overturned several years back), and prostitution laws, show us that choices are made to simply not enforce those law.
3. What happens in the case of sexual harassment—where the recipient is offended by the illicit message?
4. Not taking a hard stance on this issue can be viewed as condoning the behavior and encouraging its continuance.
5. An exception creates a legal loophole for child pornography.
6. An exemption legislates immorality onto the books.
7. An exception legalizes the production and distribution of child pornography.
8. An exemption creates an untouchable group, free to peddle child pornography without fear of prosecution.
9. Being untouchable, teens are more likely to produce and distribute even more explicit content.
10. A new network of underground businesses will emerge to take advantage of this legal loophole. Predators will hire these untouchable teens as recruiters of other teens to produce and peddle child pornography.

Also important, as Pat Trueman, special counsel for the Alliance Defense Fund, explains, “even if Vermont legalizes the production of child pornography by sexting, those same kids who think they’re safe can be prosecuted by the federal government.”

### **Addressing the problem**

The Vermont legislators are making some very poor decisions with long-term repercussions that haven’t been adequately addressed.

While prosecution ensures that the message gets through about seriousness of the crime, as an alternative to jail time teens could be assigned compulsory service to assist organizations that work with abused children. This, along with counseling, can help teens truly understand the long-term consequences of their actions, including outside their sphere of friends.

Parents need to protect their children and themselves by being carefully and fully involved in all forms of connected media used by their children.