



Juvenile Sexting

Two bills – Two Different Solutions

Both bills create new, non-felony crimes for behaviors associated with juvenile sexting, however:

IMPACT ON VICTIMS	
<p style="text-align: center;">HB17-1302</p> <ul style="list-style-type: none"> • separates abusive forms of sexting, such as maliciously distributing a private image, from consensual sexting. This is important because if a juvenile is a victim of abusive sexting they are at risk and need support and services - not to be charged for a crime. • charges only abusive sexting behavior and helps victims to access services and support which aligns with recommendations made by the Colorado Division of Criminal Justice in its 2016 Legislative Report • protects LGBTQ youth while holding juveniles who engage in abusive sexting behaviors accountable because LGBTQ youth are more likely to experience dating violence, bullying, teasing based on their orientation or identity, and suicidal feelings than their heterosexual peers, they are particularly vulnerable in sexting scenarios 	<p style="text-align: center;">HB17-1064</p> <ul style="list-style-type: none"> • makes no discernment between aggravated and experimental sexting • criminalizes all juvenile sexting behavior including victims of abusive sexting who may also have engaged in consensual sexting, and relies on prosecutorial discretion, rather than the law to protect at-risk juveniles
CHARGING TEENS AS FELONY SEX OFFENDERS	
<p style="text-align: center;">HB17-1302</p> <ul style="list-style-type: none"> • prevents juveniles engaged in sexting behavior from being prosecuted as sex offenders under the felony sexual exploitation of a child law when there is a four year or less age difference between the juvenile and the person depicted in the image, with exception to very narrow circumstances • provides a tiered approach equipping prosecutors with the ability to appropriately address a range of abusive sexting behaviors 	<p style="text-align: center;">HB17-1064</p> <ul style="list-style-type: none"> • allows the prosecuting attorney full discretion to charge either the current felony statute or the proposed misdemeanor statute for cases of teen sexting
EDUCATION AND RESTORATIVE JUSTICE	
<p style="text-align: center;">HB17-1302</p> <ul style="list-style-type: none"> • calls for the creation of a comprehensive education program designed to provide juveniles with information about how to be responsible digital citizens, including the potential legal consequences of and penalties for engaging in sexting behavior • allows juveniles to participate in restorative justice practices and encourages each district attorney to develop a diversion program for those juveniles who contribute maliciously in abusive sexting behaviors for the first time 	<p style="text-align: center;">HB17-1064</p> <ul style="list-style-type: none"> • simply creates lesser penalties than the felony, criminalizing all sexting behavior and taking no measure to provide juveniles with alternatives to the criminal legal system or provide education on the issue

For more information, please contact:

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What is the problem?

Child pornography laws were designed to address adults exploiting vulnerable young children and were never intended to reach imprudent and irresponsible behavior by and among juveniles; yet, juveniles who engage in sexting behavior are prosecuted under these laws and subject to overly harsh penalties, including mandatory registration as a sex offender.

In the 2016 Legislative Report published by the Colorado Division of Criminal Justice, the Colorado Department of Public Safety outlines a request to the General Assembly tasking the legislature with determining whether juvenile sexting is indicative of deviancy or sexual offending (aggravated), or if it is a common adolescent behavior that challenges appropriate boundaries (experimental). The CDPS report stated that, “juveniles who fall into the first category, whereby an underlying factual basis is present, require intervention from the juvenile justice system. However, experimental cases that involve same-aged youth involved in an intimate relationship may benefit from boundary education or diversion-type programming.”

HB17-1302 Juvenile Sexting Crime is supported by:

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| Abash the Past | George Welsh, Cañon City Superintendent |
| American Civil Liberties Union of Colorado | IMPACT Personal Safety of Colorado |
| Amy A. Hasinoff, Assistant professor of Communication at the University of Colorado Denver and author of <i>Sexting Panic: Rethinking Criminalization, Privacy, and Consent</i> (2015) | Moms Fight Back |
| Colorado Children’s Alliance | One Colorado |
| Colorado Coalition Against Domestic Violence | Planned Parenthood of the Rocky Mountains |
| Colorado Coalition Against Sexual Assault | Rocky Mountain Children’s Law Center |
| Colorado Criminal Defense Bar | Rocky Mountain Victim Law Center |
| Colorado Juvenile Defender Center | Teens Ending Relationship Abuse, Safe Shelter of St. Vrain Valley |
| Colorado Religious Coalition for Reproductive Rights | TESSA of Colorado Springs |
| Colorado Statewide Parent Coalition | The Blue Bench of Denver |
| Colorado Youth Matter | Safe Shelter of St. Vrain Valley |
| Full Circle of Lake County, Inc. | Sexual Assault Response Advocates, Inc. of Fort Morgan |
| | Sexual Assault Services Organization of Durango |
| | Western Slope Center for Children |

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