

Don't prosecute sexting teens as child pornographers, researchers say

April 15 2019, by Amy Norton, Healthday Reporter



(HealthDay)—In many U.S. states, teenagers who send "sex" messages

to each other can be prosecuted as child pornographers—and that should end, researchers argue.

Many states have recently passed laws that specifically address teen sexting—exempting it, to varying degrees, from longstanding child pornography statutes. But in 23 states, those outdated laws still apply to teenagers who willingly send sexual messages to each other.

The penalty is up to 20 years in prison and a lifetime as a registered [sex offender](#), according to Dr. Victor Strasburger, of the University of New Mexico, in Albuquerque.

Writing in the May issue of the journal *Pediatrics*, he and his colleagues contend that it's time for all states to revisit their child pornography laws. Consensual teen-to-teen sexting should be addressed by parents, schools and health providers—not the criminal justice system, they said.

"I absolutely agree," said Elizabeth Englander, a professor of psychology at Bridgewater State University in Massachusetts. "This needs to be treated as a developmental and educational issue."

Englander, who also directs the Massachusetts Aggression Reduction Center at Bridgewater, studies kids' technology use—including issues like sexting and cyberbullying.

It's no secret that teenagers today are attached to their devices. In the United States, 95% of teens own or have access to a smartphone, according to Strasburger's team. So, it's also no surprise that sexting has become common. Based on international surveys, more than one-quarter of teenagers have received a sext, while 15% have admitted to sending them, the researchers noted.

And a recent study of Pennsylvania [high school students](#) found that 29%

were "engaged in consensual sexting."

A few years back, Englander said, when the media started highlighting the issue, there was speculation that kids would only sext if they were "depressed or disturbed in some way."

But it isn't playing out that way. Instead, Englander said, teenagers' sexting typically seems to reflect the nature of adolescence: They're curious, impulsive and not always exercising good judgment.

"Parents do get very emotional about sexting," Englander said. But as a society, she added, "we need to get a grip."

Strasburger's team pointed to a Minnesota case where a [teenage girl](#) was charged with felony distribution of child pornography after she sent a revealing "selfie" to a boy at her school. The judge dismissed the case, ruling that punishing the girl would produce "an absurd, unreasonable and unjust result that utterly confounds the stated purpose of the statute."

None of that means teen sexting is fine. Just like with real sex, kids might feel pressured to do it—which is "never OK," Englander said.

And once an image is out there, it's out there. Even if it was intended only for a significant other, it could easily be passed on to others.

According to Englander, the media often play up that threat, focusing on tales of so-called revenge porn. But research suggests that while "unauthorized distribution" does happen, it doesn't happen often, she said.

Of course, it's a different story when an adult sexts with a teenager—a scenario that should fall under child pornography laws, Strasburger's team said. (An exception, they argue, could be "Romeo and Juliet" cases

where the two people are close in age—an 18-year-old and 16-year-old, for example.)

The researchers suggest that more states follow New Mexico's example. There, child porn laws do not apply when a [teenager](#) younger than 18 possesses an explicit image of another teen who is between the ages of 14 and 18, and the two voluntarily shared the image.

As for parents, Englander advised being proactive: Talk to your kids about [sexting](#), just as you would about other aspects of sexuality.

And start early. "With younger kids," Englander said, "parents can address the problems that come up with posting photos online. Talk about what's appropriate, or maybe not appropriate, to share. At that age, you don't even have to talk about sex, specifically."

With older kids, the conversation can be more direct, she said. That includes talking to teens about what to do if they ever feel pressured to share sexual images—and teaching them it is never OK to pressure others.

"There's really no choice but to talk about these things," Englander said. "It's the new reality. Parents need to deal with it, schools need to deal with, and teenagers need to be able to deal with it."

More information: Elizabeth Englander, Ph.D., professor, psychology, and director, Massachusetts Aggression Reduction Center, Bridgewater State University, Bridgewater, Mass.; April 15, 2019, *Pediatrics*, online

The American Academy of Pediatrics has advice on [talking to kids about sexting](#).

Copyright © 2019 [HealthDay](#). All rights reserved.

Citation: Don't prosecute sexting teens as child pornographers, researchers say (2019, April 15)
retrieved 7 May 2024 from

<https://medicalxpress.com/news/2019-04-dont-prosecute-sexting-teens-child.html>

<p>This document is subject to copyright. Apart from any fair dealing for the purpose of private study or research, no part may be reproduced without the written permission. The content is provided for information purposes only.</p>
--