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Sexting Law Change Sought: Bill Would Lessen Severity Of Charge Against 12-Year-Olds

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HARTFFORD - Due to a quirk in the law, 12-year-olds who text an inappropriate image of themselves could face a felony charge while a 13-year-old who engages in the same behavior would be charged with a misdemeanor.

Lawmakers are looking to remedy that inconsistency. House Bill 6002 would make it a misdemeanor for all children, not just those 13 and older, to share inappropriate photos. Instead of facing a possible charge of possession of child pornography, they would be charged with the less serious crime of sexting, a misdemeanor punishable by up to a year in prison, though such cases are generally handled by the juvenile courts and result in less severe consequences.

It is unclear how many children younger than 13 have been charged with felonies after sending sexually explicit selfies. But supporters of the measure say it is an important step in making the state's juvenile justice policies less punitive – and ensuring that young people are not unduly punished for impulsive errors in judgment due to their still-developing brains. If the crime were a misdemeanor instead of a felony, it would permit the cases to be handled by juvenile review boards.

"The penalty for a 12-year-old is significantly ... more harsh and punitive than it is for a 13-year-old,," said Rep. Steve Stafstrom, D-Bridgeport. "So all this bill is trying to do is remove that floor."

The judiciary committee held a hearing on the proposal Monday. A vote is expected at a later date.

The bill's proponents said it was important for lawmakers to close the loophole, even as they acknowledged that few tween offenders are charged with felonies. It has been illegal for juveniles to sext since 2010, but at that time, the law only applied to those between 13 and 18. "Maybe it was because the legislature just didn't think about an 11-year-old or 12-year-old sexting inappropriate pictures of themselves," Stafstrom said.

But cellphone use among tweens has grown exponentially in recent years: 56 percent of children aged 8 to 12 have cellphones, according to the Wireless Foundation, an industry group.

"Cellphone usage among younger middle school children in particular is at an all-time high," Leon Smith, director of the Racial Justice Project for the Center for Children's Advocacy, told lawmakers. "That's why this is important. We don't want to have a situation where an 11-year-old or a 12-year-old engaged in this activity ... could potentially face a felony charge."

Alexandra Nelson, a 21-year-old college student from New Haven, shared her experience almost a decade ago. She was 11 and had just gotten her first cellphone when a friend convinced her to send an inappropriate photo. Although she was not charged with a crime, Nelson said the split-second decision to snap and send those photos caused her immense heartache.

"I was bullied in school, called a 'slut,'" Nelson recalled. "Based on my experience, I am asking you to pass HB 6002 and ensure that individuals under the age of 18 who sext are not charged with a felony ... Youth under the age of 18 – especially those under 13 – do not have fully developed brains ... they long for approval from their peers and are often coerced or threatened into sending inappropriate pictures."



Leon Smith, director of the Racial Justice Project for the Center Of Children's Advocacy, discusses a legislative proposal that would change the severity of the charges when children are caught sexting.