Sexting as Child Pornography

Anyone who photographs or videographs, etc. a minor in a sexual act/position OR who sells or distributes child pornography OR who possesses child pornography commits a felony of either the 2nd or 3rd degree.

This can carry a maximum fine of up to $25,000 and up to 10 years in jail.

18 Pa. C.S.A. §6312 (Sexual abuse of children)

Exposing Minors to Sexually Explicit Materials

Anyone who displays or exposes a minor to sexually explicit materials—such as a sext of themselves or others—commits an offense of up to a felony of the 2nd degree.

This can carry a maximum fine of up to $25,000 and up to 10 years in jail.

18 Pa. C.S.A. §5903 (Obscene and other sexual materials and performances)

Criminal Use of Electronic Devices

A person who uses a communication device to commit a crime that is a felony—such as creating, sending, or displaying sexually inappropriate images of a minor—commits a felony of the 3rd degree.

Telephones, radios, cell phones, and computers are examples of communication facilities/devices.

This can carry a maximum fine of $15,000 and up to 7 years in jail for each offense.

18 Pa. C.S.A. §7512 (Criminal use of communication facility)

Note: A conviction of any of these offenses will show up in a criminal record check done for future employment and/or volunteer opportunities.

Note: An electronic device used in committing these offenses may be forfeited to the Commonwealth.

THAT’S the big deal!
What is “Sexting”?  
The act of sending sexually explicit photos, messages or videos electronically, primarily between cell phones or computers.

Did you know?
- 1 in 5 teens say they have sent or posted nude or semi-nude photos or videos of themselves (1)
- 44% of teen boys said they have seen at least 1 nude picture of a female classmate (2)
- 11% of teens have sent these types of pictures to strangers (3)

SOURCES:
(1) National Campaign to Prevent Teen Pregnancy
(2) WiredSafety.org
(3) National Center for Missing & Exploited Children and Cox Communications

It IS a big deal, because... it’s ILLEGAL if it involves someone under age 18!

What does the law say?

Minors Sending Images of Themselves or Viewed an Image of Another Minor

If a minor (ages 12 to 17)
- sends a sexually explicit image of himself/herself
  OR
- views or possesses a sexually explicit image of another minor, it is a summary offense.

A summary offense carries a maximum $300 fine and up to 90 days in jail.

18 Pa. C.S.A. §6321 (a)  
(Transmission of sexually explicit images by a minor)

Minors Sending Images of Another Minor

If a minor (ages 12 to 17) knowingly sends out sexually explicit images of another minor, it is a misdemeanor of the 3rd degree.

A misdemeanor of the 3rd degree carries a maximum fine of $2500 and up to 1 year in jail.

18 Pa. C.S.A. §6321 (b)  
(Transmission of sexually explicit images by a minor)

Minors Using Images to Harass

If a minor (ages 12 to 17)
- makes a sexually explicit picture of another minor without the consent of that minor
  OR
- sends a sexually explicit picture of another minor
with the intent of harassing or intimidating another minor, then it is a misdemeanor of the 2nd degree.

A misdemeanor of the 2nd degree carries a maximum fine of $5000 and up to 2 years in jail.

18 Pa. C.S.A. §6321 (c)  
(Transmission of sexually explicit images by a minor)

Note: Images of children younger than 12 could fall under the more severe child sexual abuse guidelines.

Note: Any commercial use of these types of pictures could fall under the more severe child pornography guidelines.

Note: In all cases, extremely graphic sexually explicit pictures could fall under the more severe child sexual abuse guidelines.