

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!

Sexting...



So what's the big deal?



24 HOUR HOTLINE: 724-836-1122
TOLL FREE HOTLINE: 1-888-832-2272
www.blackburncenter.org

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 Viewing 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.