

**Testimony Supporting
H.B. 6002: An Act Concerning “Sexting” By a Child**

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Judiciary Committee

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Senator Doyle, Senator Kissel, Representative Tong, Representative Rebimbas, and esteemed members of the Committee on Judiciary,

We are submitting testimony today on behalf of Connecticut Voices for Children, a research-based child advocacy organization working to ensure that all Connecticut children have an equitable opportunity to achieve their full potential. **Thank you for the opportunity to offer testimony in support of House Bill 6002: An Act Concerning “Sexting” by a Child.**

This bill would prevent children under the age of thirteen from being punished more harshly than children over age thirteen for engaging in sexting behaviors.

Under state law, the transmission of visual, sexual depictions of children under 16 years of age is a felony. Currently, an exception exists, lowering the crime to a misdemeanor for children aged 13 to 17 who receive an image of a child under 16, or for children aged 13 to 15 who transmit an image of themselves (see C.G.S., Sec. 53a-196h). Children under the age of thirteen who receive a sexual image of another child, or transmit one of themselves, can face felony charges for the same behaviors that constitute a misdemeanor after age thirteen.

Notably, regardless of age, transmitting visual depictions of *other* children remains a felony. This bill would not reduce the charges for sharing pornographic images of *other* children for bullying or other purposes.

Sexting is a risky, but normalized, behavior during adolescent development.

Traditionally, the development of children’s sexual behaviors coincides with the hormonal changes of puberty, starting as young as 9 years old. Adolescents often exhibit increases in a variety of sexual behaviors during this time that are part of normal sexual development. These behaviors include: seeking out pictures of naked people, wanting to watch TV programs that include nudity, talking about sexual acts, and expressing sexual interest in others.¹

Although rooted in biological development, sexual behaviors also develop within a social context. Media has a large influence on what adolescents see as “normal sexual behaviors,”² and peer pressure also has a great influence on adolescent sexual attitudes.³ Given the rise of private and accessible Internet pornography, social media, and children owning tablets and cell phones, the social context influencing how adolescents engage in sexual behaviors is new and rapidly changing.

Sexting, a sexual behavior made possible by the advent of camera phones in 2002, can have long-lasting social, legal, or professional consequences for minors, including bullying, manipulation or blackmail by peers, legal charges, or the permanent existence and propagation of explicit photos on

the Internet. Despite these risks, estimates of adolescents' participation in sexting behaviors range from 15 percent to 30 percent.⁴

Adolescent development is a gradual process involving experimentation and risk-taking.

For children, sexting behaviors correlate with impulsivity.⁵ Adolescence is a time of increased risk-taking with decreased regard for long-term consequences. The development of adult-like executive functioning (long-term planning, self-regulation, weighing risks and rewards, and emotional regulation) can only happen *after* the cognitive skills of abstract and hypothetical thinking reach advanced stages, usually in mid-adolescence.^{6,7} Many youth begin puberty before they have developed these skills, leading to changes in social motivations, emotional intensity, and reactivity.^{8,9} Because of these changes, puberty is also associated with increased sensation-seeking, risk-taking, and reckless behavior¹⁰ meant to gain social standing or appear romantically attractive to peers.¹¹

Imposing felony charges upon children who engage in sexting doesn't protect children – it hurts them further.

Child pornography laws exist to protect children from sexual abuse. In theory, imposing harsh punishment for a harmful behavior disincentivizes engagement in that behavior. For adults, knowledge that accessing or creating child pornography may result in felony charges makes that behavior less appealing.

Adolescents, however, are less able to evaluate long-term consequences – especially for crimes in which the real victim is themselves. Further, there is evidence that in the presence of other youth, adolescents often make poor decisions despite understanding the risks involved.¹² Instead of disincentivizing sexting, harsh punishments further harm impulsive children who need better education, behavioral health services, and or other supports.

The misdemeanor exception for minors aged 13 and older is developmentally more appropriate and helps children who sext receive diversion services.

Minors aged 13 and older who engage in sexting behavior are eligible for community-based diversion programs, such as juvenile review boards and behavioral health interventions. These programs can help address underlying issues and service needs for these children – including education – without imposing on them the deep stigma of the juvenile justice system.

Connecticut should extend the misdemeanor exception to all minors.

Children younger than thirteen should be charged with equal or lesser crimes than older children, who are more capable of weighing consequences for their actions.

Thank you for the opportunity to submit testimony supporting House Bill 6002. I can be reached with any questions at nupdegrove@ctvoices.org or 203-498-4240, extension 107.

¹ Friedrich, William N., Jennifer Fisher, Daniel Broughton, Margaret Houston, and Constance R. Shafran. "Normative Sexual Behavior in Children: A Contemporary Sample." *Pediatrics* (1998): 101-109. Doi: 10.1542/peds.101.4.e9.

² Brown, Jane D. Carolyn Tucker, and Kellyn Landin L'Engle. "Mass Media as a Sexual Super Peer for Early Maturing Girls." *Journal of Adolescent Health*, 36, (2005): 420-427.

³ Santor, Darcy A., Deanna Messervey, and Vivek Kusumakar. "Measuring Peer Pressure, Popularity, and Conformity in Adolescent Boys and Girls: Predicting School Performance, Sexual Attitudes, and Substance Abuse." *Journal of Youth and Adolescence*, 29(2), (2000): 163-182. Doi: 0047-2891/00/0400-0163.

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- ⁴ Temple, Jeff R. "A Primer on Teen Sexting." *Journal of the American Academy of Child & Adolescent Psychiatry* 2.4 (2015): 6-8.
- ⁵ Temple, Jeff R., et al. "Brief Report: Teen Sexting and Psychosocial Health." *Journal of Adolescence* 37.1 (2014): 33-36.
- ⁶ Keating, Daniel P., R. M. Lerner, and L. Steinberg. "Cognitive and brain development." *Handbook of Adolescent Psychology* 2 (2004): 45-84.
- ⁷ Spear, Linda P. "The Adolescent Brain and Age-Related Behavioral Manifestations." *Neuroscience & Biobehavioral Reviews* 24.4 (2000): 417-463.
- ⁸ Neemann, Jennifer, Jon Hubbard, and Ann S. Masten. "The changing importance of romantic relationship involvement to competence from late childhood to late adolescence." *Development and Psychopathology* 7.04 (1995): 727-750.
- ⁹ Steinberg, Laurence. "Impact of puberty on family relations: Effects of pubertal status and pubertal timing." *Developmental Psychology* 23.3 (1987): 451.
- ¹⁰ Martin, Catherine A., et al. "Sensation seeking, puberty, and nicotine, alcohol, and marijuana use in adolescence." *Journal of the American Academy of Child & Adolescent Psychiatry* 41.12 (2002): 1495-1502.
- ¹¹ Moffitt, Terrie E. "Adolescence-Limited and Life-Course-Persistent Antisocial Behavior: A Developmental Taxonomy." *The Science of Mental Health: Personality and personality disorder* (2001): 90.
- ¹² Slovic, Paul. "Do Adolescent Smokers Know the Risks?" *Duke Law Journal* (1998): 1133-1141.