

Is the act of 'sexting' a crime?

There currently are no laws in Massachusetts specific to sexting, but if sexually explicit material sent via text is of someone under 18, the act may fall under the state's child pornography laws. Below is a brief summary of these laws:

MGLA 272 §29A - Posing or exhibiting a child in a state of nudity or sexual conduct

- A person cannot knowingly hire, coerce, solicit, entice, procure, use, cause, encourage or permit someone under 18 years old to be photographed naked, partially naked or in a sex act
- 10-20 years in prison
- \$10,000-50,000 fine

MGLA 272 §29B - Dissemination of visual material of child in a state of nudity or sexual conduct

- A person cannot knowingly share, send, provide or otherwise disseminate photos, videos or other images that show a person under 18 years old naked, partially naked or engaged in other sexual conduct
- A person cannot knowingly possess these materials with the intent to share them with others
- 10-20 years in prison
- \$10,000-50,000 fine

Consent by the minor is not a valid defense to these charges. This means that even though the juvenile knowingly allowed the picture to be taken, Massachusetts law specifically states that minors are considered unable to consent to having sexually explicit photographs taken of themselves.

How We Can Help

The Juvenile Justice, Community Outreach and Education and Child Abuse units of the Northwestern District Attorney's Office are available to help.

The Massachusetts State Police attached to the Northwestern District Attorney's Office investigate crimes against children and cyber crimes.

The Community Outreach and Education Unit is available to consult with schools and parents about keeping children safe.

To Find Out More

To find out more about the scope of services offered by the Northwestern District Attorney's Office, please contact the Community Outreach and Education Unit at 413-586-9225



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Sexting



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Sexting means sending sexually explicit photographs or other visual images that depict a person in the partial or total state of nudity via cell phone or Internet. Sexting has become more common among adolescents, even a part of teen courtship. Though it is by no means universal, neither is it rare. It can have unforeseen harmful effects in areas such as the following:

Social

- Emotional trauma
- Bullying
- Unwelcome sexual solicitation (primarily in older adolescents)
- Social Isolation



Discipline

- School repercussions (suspension, expulsion, removal from sports teams)
- Employers
- State and Federal law enforcement

How can parents protect their children?

Talk

Establish open lines of communication. Openly discuss sexting, how to create a healthy digital footprint and avoid negative consequences from online behavior. Develop a written contract for electronic devices and the internet after a discussion about how to use them safely.

Monitor

When you give your child a cell phone, make sure they understand that you will impose rules around message content and times when phone use is not permitted.

Educate

Take advantage of educational programs offered through your schools and local law enforcement in your community. This will better allow you to talk with your children about these issues.



What you can do as a family? BILDS

Brainstorm

- What do you want to know from your child?
- Why may they visit risky internet sites?
- What does your child know about internet safety?

Investigate

- Research what teens are doing on the internet
- Educate yourself on social media sites

Listen

- Hear your kids out (without judgement) when they have something to say about sexting or internet safety
- Ask curious questions and encourage them to clarify their thoughts and feelings
- Be accepting and don't jump to conclusions if they confess to sexting

Direct

- Be straightforward with your child about your concerns and fears
- Consider creating a written contract to minimize confusion and show your teen what you understand about sexting and internet safety

Self-Esteem

- Use these conversations to talk about self-esteem and self-image
- Attention-seeking online might mean your child is looking for positive affirmations about themselves

Moreno MA. Sex, Drugs 'n Facebook: a Parents' Toolkit for Promoting Healthy Internet Use.

Have a plan

1. Set guidelines for children on Internet use.
2. Discuss and decide together what is appropriate.
3. Establish Internet privacy guidelines for the family. Talk about scams and false advertisements.
4. Tell your children never to respond to threatening or obscene messages never to click on links in an email or download attachments from someone they do not know.