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TOGETHER WE CARE

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In opposition to HB 1245

These are the concerns, if I am correctly understanding what this bill newly provides for in 3-8D-103 (page 3, lines 21 through page 4, line 26). It seems that the sending or displaying of sexually explicit images among minors would basically be "all right" - not worth the attention of law enforcement authorities - as long as the minors are giving permission amongst themselves and seemingly signing away their right to privacy (with exceptions pertaining to children under age 13).

Are those who share explicit images of other minors to be given a free pass if the depicted minor has given permission for their own self-produced child porn to be shared with others? The permission granters, as minors, are often mistake-makers. They are immature, with as-yet not fully developed frontal lobes of their brains and often lack good judgment and impulse control. Alcohol or drug consumption, and social pressures to accede to dares or the desire to compete with or impress their peers also cloud their judgment. Can permission or consent to share photos *truly* be granted by such youth?

Sexting by minors is not harmless, to the minors themselves, or to society at large. We cannot possibly want sexting to be nearly ignored, as if it is acceptable, or perhaps merely prankish fun among consenting or permission-granting teens. A laissez faire stance is not the right approach, notwithstanding the educational program proposed in 7-205.3 (page 11, lines 4-11).

Sexting poses dangers to societal attitudes of future generations, such as increased promiscuity, which leads to STD's. Public prosecutors need to retain the possibility of serious juvenile court remedies (we are not speaking of criminal felony charges). Do not absolve minors completely. Let's not hinder a prosecutor's options.

I also have questions/concerns about language in HB 1245 that speaks of requested or solicited images in 3-8D-103. The text in question is located as follows. (Some intervening text is deleted.)

[page 4, lines 12-14] **(B) A CHILD MAY NOT KNOWINGLY SEND, DISPLAY, OR PUBLISH TO ANOTHER A SEXUALLY EXPLICIT OR**

NUDE IMAGE DEPICTING ONLY THE CHILD UNLESS: [pg 4,line 15] (1) THE SEXUALLY EXPLICIT OR NUDE IMAGE:... [line 16-18] (I) WAS SOLICITED OR REQUESTED BY EACH PERSON WHO 16 RECEIVED, OBSERVED, OR OTHERWISE VIEWED THE SEXUALLY EXPLICIT OR NUDE 17 IMAGE; ...

[Similar language starts on page 3 lines 19-28, continuing pg 4, lines 1-3.]

YES or NO? > Am I misinterpreting, or correctly understanding it to mean that a minor is prohibited from sending such images... (the minor is outlawed from doing that) **UNLESS the image was solicited or requested...? But if the minor DOES send the images as a result of a request or solicitation, then that would be ok, permitted, and not outlawed?**

That is a concern, because unscrupulous/malicious people will indeed solicit and request those kinds of images. Under this bill, does the solicitation therefore **absolve** the minor who is doing the sending, by nullifying the prohibition?

Respectfully submitted,
Peggy Cairns, Education Chairperson