



BILL NO: House Bill 180
TITLE: Juveniles - Sexting
COMMITTEE: Judiciary
HEARING DATE: January 21, 2021
POSITION: **SUPPORT WITH AMENDMENTS**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the House Judiciary Committee to amend and issue a favorable report on HB 180.**

The Maryland Network Against Domestic Violence is deeply concerned about the connection between sexting and teen dating violence. The use of coercion in sexting among children has been identified as an indicator of other forms of coercion that occur offline.¹ In one survey of youth who reported at least one dating or sexual partner in the past 12 months, 12% reported coercive sexting victimization and 8% acknowledged pressuring a partner to sext.² Other studies have identified a connection between victims who are coerced into sexting also being victimized by other forms of teen dating violence, including sexual, physical and emotional abuse.³

MNADV does not believe that a child who consensually and voluntarily engages in sexting should be subject to arrest or prosecution. Sexting is emerging as a normal part of sexual exploration and development. Against the backdrop of the Court of Appeals decision in *In re S.K.*, it is clear that legislative action is needed to ensure that young people are not criminalized for consensual behavior. However, any piece of legislation that seeks to address the issue of sexting must also contemplate and address the realities of coercive sexting and the possible republication of a sext received and forwarded by the recipient to others without consent.

In HB 180, a youth who otherwise engages in consensual sexting will still be subject to arrest and delinquency proceedings. This bill prohibits community detention and commitment to an out-of-home placement for sexting. HB 180 further creates an affirmative defense for a victim that was coerced, threatened, or intimidated into sending the sext. MNADV is concerned about the further trauma a victim

¹ Choi, HyeJeong, Joris Van Ouytsel, and Jeff R Temple. 2016. *Association between sexting and sexual coercion among female adolescents*. *Journal of Adolescence* 53: 164–68.

² Kernsmith, Poco D., Bryan G. Victor, and Joanne P. Smith-Darden. 2018. *Online, offline, and over the line: Coercive sexting among adolescent dating partners*. *Youth & Society* 50: 891–904,

³ Lemke, Melinda and Rogers, Katelyn. *When Sexting Crosses the Line: Educator Responsibilities in the Support of Prosocial Adolescent Behavior and the Prevention of Violence*. *Soc. Sci.* 2020, 9, 150.



that was coerced, threatened, or intimidated into sending the sext will endure by both the process of arrest and prosecution as well as proving their victimhood. This bill does include an important component of age-appropriate educational programming.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report with amendments on HB 180.**