



BILL NO: House Bill 382
TITLE: Juvenile Law - Conduct by Children Involving Sexually Explicit or Nude Images
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 382.**

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 382, many of the sexting scenarios are identified and defined. Further, the bill requires the development of educational programming to be implemented in schools. However, HB 382 provides two different paths based on a youth's age, distinguishing between those under thirteen and those over thirteen. HB 382 also seeks to utilize the CINA and CINS systems. Both systems still have punitive aspects

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.



to them which should be avoided for consensual sexting and the CINS system is rarely utilized in Maryland.

For the above stated reasons, the **Maryland Network Against Domestic Violence** urges a **favorable report with amendments on HB 382.**

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