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## Working to end sexual violence in Maryland

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### **Testimony Supporting House Bill 194** **Lisae C. Jordan, Executive Director & Counsel** January 27, 2022

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI) which provides direct legal services for survivors across Maryland. We urge the Ways & Means Committee to report favorably on House Bill 194.

#### **House Bill 194 – Sexting Education**

HB194 would add sexting to the current Family Law and Human Sexuality curriculum in every grade in which the curriculum is taught in public schools. The Maryland Coalition Against Sexual Assault (MCASA) believes that this is a vital component of modern day consent education and also an important step to controlling child pornography. The COVID 19 pandemic has made education about sexting even more important as children (and predators) spend more and more time on-line and communicate through electronic means. While sexting between peers is not inherently criminal, it does carry significant risks, discussed further below. It is critical that children receive education about these issues and learn about the importance of respecting when sexting is voluntary and when it is not.

#### **Incidence of Sexting**

A recent study published in JAMA Pediatrics surveyed more than 110,000 teens and found about 27% of teens have admitted to receiving a sext.<sup>1</sup> This is believable, if not an underestimate, considering most teens have access to a cell phone, and a simple Google search generates over 21 million results for “how to sext”.

#### **Risks from Sexting & Need for Response**

While sexting is common, it also poses serious risks of a range of harms by increasing the risk of revenge porn, sextortion, sex trafficking, negative impact on employment or academic options, and more. Promises to keep images private are not always kept and the Digital Era makes it all too easy to distribute images. In December 2020, a New York Times article reported that Pornhub, the epicenter of online pornography, was hosting and monetizing videos of sexual assault, trafficking victims, and exploited youth (Kristof, 2020). At the time, anyone was allowed to upload personal content to the platform. The site's faulty and insufficient approval process allowed these videos to be uploaded to the site (Daily Mail, 2021). Sexting can provide content for these types of sites and, although the actions could give rise to other charges, the harm to the exploited youth is serious and irreversible: once an image is on the Internet, it lives there forever.

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<sup>1</sup> Sheri Madigan et al., *Prevalence of Multiple Forms of Sexting Behavior Among Youth: A Systematic Review and Meta-analysis*, 172 JAMA Pediatrics 327–335 (2018)

Education has been proven to deter the act of sexting.<sup>2</sup> Professor Quince Hopkins and her students at the University of Maryland Law School researched this issue and found a number of already existing curricula that Maryland could easily adopt. They range in cost from about \$50-\$500. Alternatively, Texas has developed its own educational program, called “Before You Text” and Maryland could develop a similar program and incorporate it into consent education. <https://txssc.txstate.edu/tools/courses/before-you-text/>

**The Maryland Coalition Against Sexual Assault urges the  
Ways & Means Committee to  
report favorably on House Bill 194**



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<sup>2</sup>Joseph Paravecchia, Note, *Sexting and Subsidiarity: How Increased Participation and Education from Private Entities May Deter the Production, Distribution, and Possession of Child Pornography Among Minors*, 10 AVE MARIA L. REV. 235, 242-48 (2011);