

# ALBUQUERQUE CRIMINAL LAWYER BLOG

PUBLISHED BY  
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September 10, 2010

## **Sexting May Lead to More than a Persistent Itching**

Texting has grown very popular over the last few years. Anyone who has provided a mobile phone to their child has learned one way or another the annoying popularity of the practice among teens. Most of the time, the constant texting is simply an annoyance as dinners are interrupted, cars are wrecked, and conversations are stopped dead as a result of the uncontrollable urge to text and be texted.

Unfortunately, texting can have far worse consequences than your reprimands. Texting often leads to sexting (the transmission or receipt of nude or semi-nude pictures or video from mobile phones) which has become almost epidemic among teens. A report from the National Campaign to Prevent Teen & Unplanned Pregnancy estimates that 22% of teen girls, 18% of teen boys, 11% of young female teens aged 13 to 16, and 20% of teens overall have engaged in the practice. A poll from the Associated Press and MTV suggests even higher numbers.

For the most part, sexting by and among teens seems relatively harmless. Although, no STD's have yet been identified with the practice, the harms may be much greater and like some last a lifetime. Unfortunately, the laws have not kept up with technology. As a result, sexting will be forced into the old legal definitions. The result is that sexting is often charged under child pornography laws.

Transmission, receipt, or possession of child pornography carries extremely serious consequences. Under federal law, for instance, there is a statutory minimum of 5 years for the receipt of child pornography. Transmission and creation carry even more severe penalties. State laws are equally severe. In addition, each transmission or receipt may be charged separately. For juveniles, the sentencing is typically much less severe. However, one aspect of a conviction for child pornography that is as bad for juveniles as it is for adults is sex offender registration. So even if a teen escapes any incarceration at all, registration as a sex offender could more or less destroy their lives.

This may seem like overkill for sexting by teens but it is the reality. Talk to your kids. A short lapse in judgment can have a lifetime of consequences. This goes for sender, the receiver and anyone that retransmits the images. The worries for parents never end as teens now have a whole host of new tools at their hands to get themselves in trouble. Unfortunately, most parents and their teens are completely oblivious to the dangers of their new toys.

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