

TEEN SEXTING: WHAT ARE THE LAWS?



Teenagers are budding with sexual energy. Mix that with cell phones and it can be a complicated combination. According to a [JAMA Pediatrics report](#) from last April that analyzed 39 studies of just over 110,000 under 18-year-olds (the mean age was 15.16 years, but ages ranged from 11-17 years)—it was found that roughly 15% of teenagers send sexts and 28% receive them.

It is so important to have an open line of communication with preteens and teens about the issues around revealing photos and videos (yes, videos—some teens send short sexually explicit videos to one another). Today's TTT is all about just the facts. In a pragmatic way, try sharing with your teens and preteens what the laws are in your state—and, starting with this example case can also be helpful.

Below the TTT weekly questions, I have included part of the [Cyberbullying Research Center's](#) chart that shows sexting laws for each state across the country. Here are some questions to get you started:

- Are you aware that it is against the law to send and receive nude pictures, even if they are from your significant other?
- If you were creating laws on this topic, how would you do it?

- If you were to write a letter to a younger student, what advice would you give them about issues surrounding the taking and dissemination of revealing and suggestive photos and videos?

The chart below is from [Cyberbully.org](https://cyberbully.org) and was created, and is regularly updated, by Sameer Hinduja, Ph.D., & Justin W. Patchin, Ph.D. Co-directors of the Cyberbullying Research Center. To see more detail and description of laws go to <https://cyberbullying.org/sexting-laws> .

Teen Sexting in Texas

Texas punishes teen sexting under its law against electronically transmitting sexual depictions of children. Under this law, it is illegal for one minor to electronically send an image of someone younger than 18 years old to another minor; this includes images of the sender, recipient, or another underage person.

However, minors have a defense to prosecution when the images are solely of the sender or recipient, were sent within a dating relationship, and both parties are not more than two years apart in age (including if one party is 18 or older).

Images sent to harass or bully the recipient may incur additional penalties for the sender. (Tx. Stat. & Code Ann. § 43.261.)

Adults who sext with minors may be prosecuted for distributing sexual images to a minor, possessing or distributing child pornography, or promoting sexual performance by a minor. These crimes are usually punished as felonies, described below. (Tx. Stat. & Code Ann. § 43.24, -25, & -26.)

It is a [Class C misdemeanor](#) for minors to send or receive sexts from other minors. Penalties may include a fine of up to \$500. Penalties may increase for second and subsequent convictions or if the crime was part of [cyberbullying or other harassment](#).

An [adult who sexts](#) with a minor may be charged under one of several state laws mentioned above, depending on whether the adult sent, received, or solicited the sexts; and penalties increase if the adult distributed those images to others as child pornography. Penalties may include a fine of up to \$10,000, up to 20 years in prison, or both.