

# Maryland Coalition Against Pornography, Inc.

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TOGETHER WE CARE

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## **In support of SB 365**

It is well that our legislature is grappling to update our laws to reflect new technology and newly emerging crimes. As Catholic University Law Professor Mary Leary has written, we have a new dimension of **digital victimization**, a new aspect of crime against a person. We appreciate the efforts of this bill to strike a balance when determinations need to be made about *self-produced child pornography* (SPCP). Prof. Leary has written at length with thoughtful, very pertinent analysis that we agree with. We urge consideration of her paper: "Sexting or Self-Produced Child Pornography? The Dialogue Continues – Structured Prosecutorial Discretion within a Multidisciplinary Response" [17 Virginia Journal of Social Policy and the Law 486](#) (2010), submitted as an addendum. Why do we oppose full decriminalization? The truly egregious cases, e.g., repeated offenses, or ones where coercion is involved, need to be dealt with and not swept under the rug, as there are true, serious, and often long-term harms to true victims. Minor perpetrators need rehabilitation, but not necessarily mandatory court adjudication or classification as sex offenders. Statistics are rising, and, as the CDC has noted, there is good reason for concern that "sexting" is contributing to teen violence and the further dissemination of these images, as in revenge porn, leads to humiliating character assassination, bullying, and harmful social pressures, even some suicides. Teens need to recognize the negative aspects and risks of sending sexually explicit pictures; it is an important component of prevention. So not fully decriminalizing SPCP, but allowing it to remain a tool for use in juvenile court, provides a deterrent value.

What *are* the harms? For those in the images, consider the perpetuity of the images, and how often they escape any control by the victim who was photographed. Also consider the harms to the *recipients*, some of whom never intended to receive them, e.g., are you aware of Apple I-phone "airdropping"? Sample article [here](#). Lastly, consider the harms to society at large. We cannot possibly want this phenomenon to proliferate as if it is acceptable, harmless, or prankish fun. We do a great disservice to future generations if we take a "teens will be tweens attitude" and provide no threat of serious consequences to minors who traffick these child pornographic images.

Respectfully submitted,  
Peggy Cairns, Education Chairperson