



**BILL NO:** House Bill 180  
**TITLE:** Juveniles - Sexting  
**COMMITTEE:** Judicial Proceedings  
**HEARING DATE:** March 25, 2021  
**POSITION:** **SUPPORT AS AMENDED**

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The Maryland Network Against Domestic Violence (MNADV) is the federally recognized 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 Senate Judicial Proceedings Committee to issue a favorable report on HB 180 as amended.**

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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup>

Against the backdrop of the Court of Appeals decision in *In re S.K.*, it is clear that legislative action is needed to address sexting. 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. HB 180 as amended strikes a necessary balance between youth who engage in consensual sexting, youth who are coerced or threatened into sexting, and victims of child pornography.

Through a collaborative effort, the definition of sexting was amended to reflect the unfortunate reality that a youth may be coerced into sexting. MNADV supports the removal of the affirmative defense and placing the burden on the police and prosecutors to investigate each case and not charge victims of coercive sexting. It also incorporates age parameters that are consistent with

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<sup>1</sup> 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.

<sup>2</sup> 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,

<sup>3</sup> 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.



existing law. This bill prohibits community detention and commitment to an out-of-home placement for sexting unless there are extraordinary circumstances.

For the above stated reasons, the **Maryland Network Against Domestic Violence** urges a **favorable report on HB 180 as amended.**