



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 662

H.P. 454

House of Representatives, February 26, 2013

An Act Regarding Sexually Explicit Text Messaging by Minors

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MASTRACCIO of Sanford.
Cosponsored by Senator TUTTLE of York and
Representatives: DION of Portland, GRANT of Gardiner, KORNFIELD of Bangor,
MacDONALD of Boothbay, MAKER of Calais, MASON of Topsham, PLANTE of Berwick,
SANBORN of Gorham.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **CONCEPT DRAFT**

3 **SUMMARY**

4 This bill is a concept draft pursuant to Joint Rule 208.

5 This bill proposes to prohibit sexually explicit text messaging, also known as sexting,
6 by a minor in a manner different from the prohibition in current law. Sexting is the act of
7 recording, copying or transmitting images, photographs or videos of a person's breasts,
8 genitals, anus or pubic area using a telephone, computer, camera, memory device or other
9 piece of electronic equipment. Sexting is a practice that is common and widespread
10 among minors in the State, with minors sexting images of themselves and of other minors
11 with and without consent of the persons who are the subjects of the images. The current
12 provisions in the criminal law that prohibit sexting images of a minor do not except
13 minors, even minors who transmit images of themselves, and potentially subject minors
14 prosecuted for sexting to being listed on the sex offender registry for life. This bill would
15 create exceptions or other avenues in the law to discourage sexting by minors and provide
16 educators and other adults with tools to prevent sexting and to punish minors short of
17 treating them as sexual predators or serious criminals as current law does.