



Goes into effect in seven months

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“Sexting” for most children under age 18 will no longer be a crime in seven months but an issue that will be addressed through education, under a law signed by Acting Gov. Kim Guadagno.

The law (S-2700), would limit admission to the educational program to cases where the juvenile has not been previously convicted of sexually-related crimes; was not aware that his or her actions could constitute a crime and did not have the intent; the offense is related to a condition or situation that would be conducive to change through participation in the educational program, and the benefits to society in admitting the juvenile to the educational program outweigh the harm done to society by abandoning criminal prosecution.

The state attorney general, in consultation with the state courts, will develop the educational program. The program will include information regarding the legal consequences of “sexting”, the non-legal consequences, the long term impacts of engaging in the activity, and the possible connection between bullying and cyber-bullying and juveniles sharing sexually suggestive or explicit materials.

The law will take effect the first day of the seventh month following enactment.

“Many young people simply don’t know the dangers associated with ‘sexting’ and may not have been educated about the harm it could cause,” Sen. Jim Beach (D-Camden), a co-sponsor of the law, said Tuesday. “In some instances, it would simply be unfair to slap a criminal charge on their record for something they may not realize was wrong. This program provides critical education to children to inform them of the repercussions of engaging in this activity, including the potential for legal ramifications.”

“Rather than punish those who might be unaware of how dangerous their action is, we need to provide education on this issue,” Sen. John Girgenti (D-Passaic), the other co-sponsor, said. “By teaching children the dangers of ‘sexting’ we can help stop the activity from occurring, while at the same time preventing unnecessary punishment.”

The Pew Research Center’s Internet & American Life Project reported in December 2009 that four percent of teens ages 12 to 17 who own cell phones have sent nude or nearly nude images or videos of themselves, while 15 percent in that group have received such images of someone they know.

The measure received final approval in the legislature in June.