

2010 -- H 7778

LC02000

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO CRIMINAL OFFENSES - CHILDREN

Introduced By: Representatives Martin, Carnevale, Jackson, Kilmartin, and Gallison

Date Introduced: February 25, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 11-9 of the General Laws entitled "Children" is hereby amended  
2 by adding thereto the following section:

3 **11-9-1.4. Minor electronically disseminating indecent material to another person. –**

4 **"Sexting" Prohibited. - (a) Definitions as used in this section:**

5 (1) "Minor" means any person not having reached eighteen (18) years of age;

6 (2) "Computer" has the meaning given to that term in section 11-52-1;

7 (3) "Telecommunication device" means an analog or digital electronic device which  
8 processes data, telephony, video, or sound transmission as part of any system involved in the  
9 sending and/or receiving at a distance of voice, sound, data, and/or video transmissions;

10 (4) "Indecent visual depiction" means any digital image or digital video of the minor  
11 engaging in sexually explicit conduct, and includes data stored on any computer,  
12 telecommunication device, or other electronic storage media which is capable of conversion into  
13 a visual image;

14 (5) "Sexually explicit conduct" means actual masturbation or graphic focus on or  
15 lascivious exhibition of the nude genitals or pubic area of the minor or the nude breasts of the  
16 minor, if the minor is a female.

17 (b) No minor shall knowingly and voluntarily and without threat or coercion use a  
18 computer or telecommunication device to transmit an indecent visual depiction of himself or  
19 herself to another person.

1           (c) A violation of this section shall be a status offense and referred to the family court.

2           (d) Any minor adjudicated under subsection (b) shall not be charged under section 11-9-

3 1.3 and, further, shall not be subject to sex offender registration requirements set forth in section

4 11-37.1-1 et seq., entitled "Sexual Offender Registration and Community Notification Act."

5           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would prohibit the use of a computer or other telecommunication device to  
2 transmit an indecent visual depiction of himself or herself to another person, which is commonly  
3 known a "sexting", by minors any violation of this act is deemed to be a status offense and shall  
4 be referred to the family court.

5           This act would take effect upon passage.

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