

# Are they at risk?

**Previous history of abuse.**

**Missing or runaway.**

**Single parent household.**

**Involvement in child welfare.**

**Involvement in juvenile courts.**

**Sudden change in behavior.**

**Substance use.**

**Housing instability.**



# Sexting and the Law

## The bill creates three new criminal offenses

- **Posting a private image by a juvenile which can be committed in two ways:**  
The first way is if a juvenile knowingly distributes, displays, or publishes to the view of another person a sexually explicit image of a person other than himself or herself who is at least 14 years of age or is less than 4 years younger than the juvenile.
- The second way is if the juvenile knowingly distributes, displays, or publishes, to the view of another person who is at least 14 years of age or is less than 4 years younger than the juvenile, a sexually explicit image of himself or herself when the recipient did not solicit or request to be supplied with the image and suffered emotional distress.
- **Possessing of a private image by a juvenile**  
Possessing a private image by a juvenile is committed when a juvenile knowingly possessing a sexually explicit image of another person who is at least 14 years of age or is less than 4 years younger than the juvenile without the depicted person's permission. The bill carves out an exception if the juvenile (a) took reasonable steps to either destroy or delete the image within 72 hours after initially viewing the image; or (2) reported the initial viewing of such image to law enforcement or a school resource officer within 72 hours after initially viewing the image.
- **Exchange of a private image by a juvenile.**  
Exchange of a private image by a juvenile addresses the sending of sexually explicit images between two consenting juveniles by making it a civil infraction (like a speeding ticket). The civil infraction can be punished by participation in a program designed by the school safety resource center or other appropriate program addressing the risks and consequences of exchanging a sexually explicit image of a juvenile or a fine of up to \$50.

**WHY THIS IS IMPORTANT:** In previous years, there has been debate about using the felony child pornography charge in the circumstances above. The newly passed legislation means that in #2 and #3 (possessing and exchanging), a juvenile would not be charged with felony child pornography. For #1 (posting), the charge is at the prosecutor's discretion.

Please read the full bill for further clarification: (<https://leg.colorado.gov/bills/hb17-1302>)

**STATUTORY RAPE** 14 years and younger who has sexual relations with another person, and the age difference is 4 years or greater (even if consensual)

**CLASS 1 MISDEMEANOR** 15 or 16 year olds, has sexual relations with an adult at least 10 years older than the minor (even if consensual)

**AGE OF CONSENT:** 17 legally old enough to consent to participate in sexual activity