



NEW YORK STATE SENATOR

James S. Alesi

## Senate Gives Final Legislative Passage to Juvenile “Sexting” and “Cyberbullying” Prevention Bill

JAMES S. ALESİ June 22, 2011

| ISSUE: **TELECOMMUNICATIONS**

The New York State Senate today gave final legislative passage to a bill (S.5253B) to divert youth to an education program addressing the sending of nude or obscene photographs through electronic technologies, also known as “sexting,” as well as conduct that constitutes “cyberbullying.”

The bill, entitled the “Cyber-Crime Youth Rescue Act,” sponsored by Senator Kemp Hannon (R-C-I, Garden City), requires the development of an educational program about the numerous perils of sexting and cyberbullying. The program provides an option other than a permanent criminal record for juveniles deemed eligible by a court.

“Cyberbullying and sexting are rising at an alarming rate and all too often have devastating consequences,” Senator Hannon said. “In today’s age of advanced technology, 24-hour connectivity and social networking, our youth are participating in cyberbullying and sexting, often without any awareness of the ramifications of their actions, and the long-term harm that can result with respect to one’s mental health, reputation, and criminal record.”

“This legislation provides the state with tools to help balance the serious nature of sexting and cyberbullying with the considerations that follow from youthful behavior,” Senator Stephen Saland (R-I-C, Poughkeepsie), a co-sponsor of the bill, said. “Educating our children and teens about the risk of these activities would be an important step towards keeping them on the right track.”

“Sexting, cyberbullying and other forms of inappropriate electronic communication can have profound and enduring negative impacts that many youth just don’t understand,” Senate Majority Leader Dean G. Skelos said. “It is important that we educate the youth that are engaging in these activities so they can fully comprehend the consequences of continuing practices that can be harmful to themselves and others.”

Recent headlines have highlighted the unfortunate and significant consequences of the growing epidemics of cyberbullying and sexting within our society, particularly among youth. The dangerous combination of teenagers behaving provocatively and impulsively is not new, but with easy accessibility to technology such as cell phone cameras, teenagers have been handed tools that are so easy to use, it is impossible for some to pass up.

This mostly teenage practice of sexting and posting sexual images online is a nationwide problem that has perplexed parents, school administrators, and law enforcement officials. Prosecutors in several states have even charged teenagers, who have texted photographs of themselves, or their friends, or partners with distribution of child pornography, even resulting, in some cases, with teenagers having to register as a sex offender.

While this bill does not change the penalties that may be imposed for the underlying conduct that constitutes cyberbullying or sexting, it does create a new educational diversion program for eligible youth who are criminally charged with certain offenses. A court would be able to order youth to attend and complete this program with the goal of educating youth about the consequences of such actions with appropriate discretion provided to judicial authorities to mitigate criminal charges.

The bill will be sent to the Governor.