




# Public Perceptions and Legal Dimensions of Juvenile Sexting

**Corey Call, PhD**

*Longwood University, Farmville, Virginia, United States*

 <https://orcid.org/0000-0002-9199-7955>

**Contact:** [callcp@longwood.edu](mailto:callcp@longwood.edu)

## Abstract

The sending of sexually explicit messages, or “sexting” has been recognized as a common practice among youths. As sexting may involve the creation and distribution of sexually explicit images and videos, juvenile sexters can be charged with offenses related to child pornography. This study examined public attitudes toward juvenile sexting and demographic influences on these views. Based on a quantitative survey of 1,023 U.S. adults, the majority of respondents (51.8%) disapproved of criminalization in cases of consensual sexting, but 80% supported legal repercussions for nonconsensual sharing. Respondents primarily favored educational interventions (67.4%) and restrictions on technology use (53.4%) over harsh punishments, such as incarceration (15.2%) and sex offender registration (11.5%). Multiple regression analyses revealed that age, sex, and political orientation significantly shaped these attitudes, with older and conservative respondents more likely supporting criminalization, and males showing leniency. The findings suggest public support for differentiating consensual sexting and nonconsensual sharing in legal terms and for prioritizing education over punitive measures.

**Keywords:** *juvenile sexting, child pornography, image-based sexual abuse*

**Date Submitted:** July 20, 2023 | **Date Published:** November 3, 2023

## Recommended Citation

Call, C., (2023). Public perceptions and legal dimensions of juvenile sexting. *Journal of Social, Behavioral, and Health Sciences*, 17, 196–216. <https://doi.org/10.5590/JSBHS.2023.17.1.14>

## Introduction

Smartphones have become an integral part of daily life. Their range of uses span from shopping to productivity to entertainment, social interaction, and more. Among teenagers, phone ownership is particularly prevalent. Ninety-five percent of U.S. teens report owning or having access to a smartphone (Anderson & Jiang, 2018). For many of these teens, the primary use of smartphones is social interaction. Schaeffer (2019) reported that 84% of teens connect with others through their devices. Interestingly, texting has surpassed face-to-face contact as the preferred communication method among this demographic (Rideout & Robb, 2018).

One form of social interaction via smartphones is sexting. Sexting is a portmanteau of “sex” and “texting,” but there is no agreed upon definition of sexting. In their review of 18 articles within the literature on sexting,

Barrense-Dias et al. (2017) found that definitions of sexting varied by types of media included (text, images, video), actions (active sexting and passive sexting), mode of transmission (posting to the internet and sending directly to another party), and sexual characteristics or terminology employed. At its core, sexting is about sending and/or receiving sexually explicit messages. In their systematic review of the literature, Cooper et al. (2016) identified four primary reasons why juveniles partake in sexting: (1) to gain attention from a prospective romantic partner; (2) as a form of sexual expression in a consensual relationship; (3) to explore or experiment with their own sexuality; and (4) through coercion from their peers or romantic partner.

Legally, sexting's implications can be complex. While sexting between adults is legal and sexting between adults and juveniles is not, things get murkier when juveniles sext each other. In such cases, they might face child pornography charges. To address this, several states have passed laws distinguishing juvenile sexting from child pornography. However, there is great variation across these states in their legislative responses. It is also worth noting that this issue is not exclusive to the U.S. As sexting can be practiced anywhere the technology is available, nations worldwide are trying to figure out the best policy responses (Moritz & Christensen, 2020; O'Connor et al., 2017). The present study aims to enrich the juvenile sexting literature by delving into U.S. residents' perceptions of the sexting, possible sanctions, and factors that might shape these perceptions.

## Literature Review

### Juvenile Sexting Prevalence and Characteristics

Defining sexting and using various research methodologies have yielded inconsistent findings about the frequency of juveniles engaging in sexting. Madigan et al. (2018) aimed to resolve these inconsistencies by conducting a meta-analysis on 39 studies from 2009 to 2015 that examined juvenile sexting rates. They found that 14.8% of juveniles admitted to sending a sext and 27.4% reported receiving one. There was also a noted increase in the prevalence of both sending and receiving sexts over the studies' timespan.

Updating the work of Madigan et al. (2018), Mori et al. (2022) conducted their own meta-analysis of 28 studies from 2016 to 2020 to determine whether juvenile sexting rates were still on the rise. Their findings showed a 19.3% prevalence rate for sending and a 34.8% rate for receiving sexts. Although the meta-analysis by Mori et al. (2022) demonstrated increased sexting rates compared to the meta-analysis by Madigan et al. (2018), the prevalence rates did not demonstrate a statistically significant increase. Mori and colleagues (2022) thus theorized that youth sexting rates might be stabilizing. Based on these results, just under 20% of juveniles currently send sexts, and just over a third receive them.

The link between age and juvenile sexting has been consistent, with sexting becoming more common as age increases (Mitchell et al., 2012; Mori et al., 2022; Strassberg et al., 2013). This pattern appears to continue into early adulthood. For example, Reyns et al. (2013) observed a significant rise in sexting rates when comparing university students below and above 21 years.

Media portrayals of juvenile sexting often present it as a gendered phenomenon with males seen as more willing participants, while females appear to be coaxed or pressured more often (Krieger, 2017). The empirical literature, however, reveals mixed results. Some studies find no significant difference between male and female sexting rates, while others report higher rates among adolescent males, and still others higher rates for adolescent females (Barrense-Dias et al., 2017; Cooper et al., 2016).

Similarly, the relationship between race, ethnicity, and juvenile sexting is also unclear. Some studies suggest a significant correlation between race, ethnicity, and sexting (Dake et al., 2012; Peskin et al., 2013; Woodward et al., 2017). In contrast, others find no such link (Gregg et al., 2018; Patchin & Hinduja, 2019; Ricketts et al., 2015). Furthermore, studies that indicate a significant relationship, disagree on the specifics of these

relationships. For example, Dake et al. (2012) found racial and ethnic minorities sexted more than whites, while Woodward et al. (2017) observed the opposite.

### **Juvenile Sexting as Child Pornography**

Child pornography, as defined by federal law, encompasses any visual representation of an individual under 18 participating in sexually explicit conduct (U.S. Department of Justice, 2020). Juveniles engaging in sexting are thus creating and distributing child pornography. This can create serious legal consequences for juveniles including felony convictions and registration as a sex offender.

Even in states where the legal age of sexual consent is 16 or 17, juveniles engaging in sexting can be held accountable for child pornography under the federal law. For instance, in Maryland, where the age of consent is 16, a 16-year-old girl was charged with child pornography distribution after sending an explicit video of herself to classmates (Marimow, 2019). Her case was heard in juvenile court where she was adjudicated delinquent and placed on probation with additional restrictions including electronic monitoring and weekly drug testing. Even on appeal, the court upheld her conviction, emphasizing the state's interest in combatting child pornography. In another example, two 16-year-olds in North Carolina were charged with multiple counts of sexual exploitation of a minor after exchanging intimate photos (Drew & Weiss, 2015). To evade incarceration and mandatory sex offender registration, both teens accepted plea bargains that only carried sentences of probation.

Historically, in *Miller v. California* (1973), the U.S. Supreme Court ruled that obscene content does not enjoy the protective umbrella of the First Amendment. The “Miller Test” established criteria to classify material as obscene. However, in *New York v. Ferber* (1982), the court ruled that child pornography remains an exception and does not need to pass the Miller Test to be classified as obscene. The court underscored the enduring harm that child pornography inflicts on its young victims as a justifiable reason for such prohibitions.

The rationale for treating cases of juvenile sexting as child pornography is to protect the juveniles involved. While the material's creation and sharing might be consensual among juveniles, if that material is shared beyond intended recipients—especially uploaded to the internet—that material may become part of the child pornography market (Holoyda et al., 2018).

In other words, while the intent of the juveniles may not be propagating child pornography, the created material can be viewed as such by others. Beyond child pornography concerns, the victim can also experience cyberbullying and substantial psychological distress (O'Connor et al., 2017).

Surveying a national sample of law enforcement agencies, Wolak et al. (2012) reported that, from 2008–2009, law enforcement agencies dealt with approximately 3,477 juvenile sexting cases. Of those cases, 64% were solely between juveniles and categorized as either “aggravated” or “experimental.” The aggravated incidents, comprising 31% of the cases, involved additional criminal (extortion) or abusive components (non-consensual image sharing). The experimental incidents, comprising 33% of the cases, were driven by attention seeking and sexual experimentation. Arrests were made in over half (54%) of the cases, with the aggravated category seeing double the arrest rate compared to the experimental one (36% versus 18%).

Subsequent research indicated that a majority (62%) of state prosecutors have encountered juvenile sexting cases with more than one-third (36%) filing criminal charges (Walsh et al., 2013). When filing charges, a majority (62%) of juvenile defendants faced felony charges, and 84% of those felony charges were related to the production of child pornography. Further, 16% of those prosecutors who filed charges in a juvenile sexting case denoted that they were part of a juvenile sexting case that resulted in mandated sex offender registration.

## Juvenile Sexting Legislation

The legal response to juvenile sexting across the United States is mixed. Currently, 26 states treat juvenile sexting distinctly from child pornography, whereas the rest (24 states) process such incidents under child pornography statutes. Among the states that have juvenile sexting legislation, there is no uniformity in the legislative responses.

Table 1 provides a brief overview of the legislation in states that have specific juvenile sexting laws. The categorization of sexting offenses varies considerably. While some states simply label the act as “sexting,” others employ comprehensive terms like “posting, possession, or exchange of private image by a juvenile” or “transmission of sexually explicit images by a minor.” Furthermore, there is an inconsistency regarding age parameters across states. For instance, Oklahoma’s legislation stipulates the applicability for juveniles aged 13 and above, while Pennsylvania sets its threshold at 12 years. New York’s legislation diverges, not pinning a specific age but stating that the sender and recipient of explicit images must not have an age difference exceeding 5 years. The punitive measures for these offenses also differ widely. Most commonly, juvenile sexting is considered a misdemeanor offense. Several states treat juvenile sexting as less than a misdemeanor offense, while others stipulate a specific outcome. For instance, New Jersey, New York, Vermont, and West Virginia mandate diversion for first-time juvenile sexting offenders with an emphasis on educational programming. Only Nebraska treats juvenile sexting as a felony, but it may be considered a felony in three other states for repeat offenses.

**Table 1.** *Juvenile Sexting Legislation by State*

State	Statute(s)	Offense(s) Name(s)	Age Parameters	Offense Category or Outcome
Arizona	AZ Revised Statutes Section 8-309	Unlawful use of an electronic communication device by a minor	None	Misdemeanor for sender and petty offense for receiver
Arkansas	Ark. Code § 5-27-609	Possession of sexually explicit digital material	None	Misdemeanor
Colorado	C.R.S. § 18-7-109	Posting, possession, or exchange of a private image by a juvenile	None	Civil infraction, petty offense, or misdemeanor depending upon ages of participants, number of images transmitted, whether or not images are transmitted consensually, and whether images are exchanged between parties or posted publicly

Connecticut	Conn. Gen. Stat. § 53a-196h	Possessing or transmitting child pornography by minor	13–17 years old for possession of an image of a 13- to 15-year-old/13–15 years old for sending of an image	Misdemeanor
Florida	Florida Statutes 847.0141	Sexting	None	Noncriminal citation for first offense, misdemeanor for second offense, and felony for third offense and beyond
Georgia	GA Codes §§ 16-12-100, 16-12-100.2, 16-12-100.1	Sexual exploitation of children; computer or electronic pornography; electronically furnishing obscene material to minors	Depicted minor: at least 14 years old for sexual exploitation of children; 14 or 15 years old for computer or electronic pornography Recipient: 14 years or older for electronically furnishing obscene material to minors	Misdemeanor
Hawaii	HRS § 712-1215.6	Promoting minor-produced sexual images in the second degree	None	Misdemeanor
Illinois	705 ILCS 405/3-40	Electronic dissemination of indecent visual depictions in need of supervision	None	Status offense
Indiana	Ind. Code § 35-45-4-8	Indecent display by a youth	Depicted minor: at least 12 years old Possessor or sender: no more than 4 years older than the depicted minor	Misdemeanor
Kansas	KS Stat § 21-5610 / KS Stat § 21-5611	Unlawful transmission of a visual depiction of a child; unlawful possession of a visual depiction of a child	Depicted minor: at least 12 years old	Misdemeanor

Louisiana	LA Rev Stat § 14:81.1.1	Sexting	None	Delinquency proceedings involving increasing fines and periods of detention based on repeat offenses
Nebraska	NE Revised Statutes 28-813.01	Sexually explicit conduct; visual depiction; unlawful	Receiver: at least 15 years old, and both minors are no more than 2 years apart in age	Felony
Nevada	NRS 200.737	Use of electronic communication device by minor to possess, transmit, or distribute sexual images of minor	Sender: no more than 4 years older than the depicted minor or the receiving minor	Sender: considered a child in need of supervision if photo is of themselves; sender considered a child in need of supervision if photo is other another juvenile for first offense and misdemeanor for subsequent offenses Receiver: considered a child in need of supervision
New Jersey	NJ Rev Stat § 18A:35-4.32	Sexting	None	Diversion requiring educational programming
New Mexico	NM Stat § 30-6A-3	Sexual exploitation of children	Depicted minor: at least 14 years old	No penalty if depicted juvenile consented to the creation of the image without coercion
New York	NY Penal Law § 263.11	Possessing an obscene sexual performance by a child	Sender and receiver: must be no more than 5 years apart in age	Diversion for first time offenders requiring educational programming
North Dakota	N.D. Cent. Code § 12.1-27.1-03	Promoting obscenity to minors; minor performing in obscene performance	None	Misdemeanor
Oklahoma	10A OK Stat § 10A-2-8-221	Transmission of obscenity and child pornography	Depicted minor: at least 13 years of age	Misdemeanor
Pennsylvania	18 Pa.C.S. § 6321	Transmission of sexually explicit images by minor	Depicted minor: at least 12 years of age	Misdemeanor with diversion involving educational programming as a first consideration

Rhode Island	RI Gen L § 11-9-1.4	Minor electronically disseminating indecent material to another person—“Sexting” prohibited	None	Status offense
South Dakota	S.D. Codified Laws § 26-10-33	Juvenile sexting	None	Misdemeanor
Texas	Texas Penal Code Section 43.261	Electronic transmission of certain visual material depicting minor	None	Misdemeanor
Utah	Utah Code § 76-10-1204/ Utah Code § 76-10-1206	Distributing pornographic material; dealing in material harmful to a minor	None	Misdemeanor for first offense, felonies for subsequent offenses
Vermont	13 V.S.A. § 2802b	Minor electronically disseminating indecent material to another person	None	Diversion for first time offenders requiring educational programming
Washington	RCW 9.68A.053	Minor dealing in depictions of another minor 13 years of age or older engaged in sexually explicit conduct; minor dealing in depictions of another minor 12 years of age or younger engaged in sexually explicit conduct	Separate laws if depicted minor is 13 years of age or older or 12 years of age or younger	Misdemeanor if the depicted juvenile is 13 years of age or older, felony if the depicted juvenile is 12 years of age or younger
West Virginia	WV Code § 61-8C-3b	Distribution and exhibiting of material depicting minors engaged in sexually explicit conduct	None	Diversion requiring educational programming

## Public Perceptions of Juvenile Sexting

Current research offers limited insight into public views on the legal ramifications and appropriate penalties for juvenile sexting. When Strassberg et al. (2013) queried high school students about the potential repercussions of sexting, most felt that sexting should not have any legal consequences. However, more than half (58%) were aware of severe legal consequences, like felony charges or incarceration for sexting. Notably, students who admitted to sexting had a better understanding of potential legal outcomes than those who had not. This might suggest that the threat of legal repercussions does not deter juveniles from sexting.

In a study by Strohmaier et al. (2014), a significant portion (61%) of college students were unaware that juvenile sexting could lead to charges of child pornography. The students were divided on prosecuting juveniles for sexting with 36% indicating that juvenile sexters should face criminal charges, 32% indicating that they should not, and the rest believed that certain conditions, such as the age gap between participants or unauthorized sharing of images, should determine the legal response. Among those open to prosecution, most favored rehabilitative or educational interventions, none supported imprisonment, and a mere 5% were in favor of requiring registration as a sex offender.

Blyth and Roberts (2014) assessed Australian adults' views on juvenile sexting by presenting two scenarios where a 15-year-old girl sends nude photos to her 15-year-old boyfriend. In one case, he keeps the images private; in the other, he shares them without her consent. Participants expressed the strongest support for not punishing the sender in both scenarios and the receiver in the scenario where he does not share the material with others. The only situation where they felt punishment was appropriate was when one juvenile shared explicit images of another without permission.

Comartin et al. (2013) aimed to gauge support for registering sexters as sex offenders. Michigan residents reviewed a scenario where a 15-year-old sends consensual sexts and the recipients varied in age (15, 18, or 22 years old) and gender combinations. Support for registering the 15-year-old as a sex offender was low (12%). While it increased for the 18-year-old (32%), half of the participants believed that the 22-year-old should be registered.

## Purpose of the Study

Given the scarcity of research on public attitudes towards juvenile sexting and its legal implications, this study seeks a deeper understanding. The present study will examine sentiments around juvenile sexting, potential repercussions, and the factors that shape these views.

## Methods

### Data Collection

Prior to data collection, Institutional Review Board (IRB) approval was gained to ensure the ethical integrity of the research plan. The data for this study was collected as part of a larger research project. The project surveyed public opinions on various issues related to sexual behavior and sex crime including attitudes toward sex offender registration and notification, image-based sexual abuse, juvenile sexting, and respondent experiences with sexting.

Data originated from electronic surveys collected through Amazon's Mechanical Turk (MTurk). MTurk is a crowdsourcing service that allows for various tasks to be posted on the service and then completed by registered "workers." Successful completion of a task earns the worker a reward designated by the poster of



the task. Those who post tasks have the ability to examine completed work and refuse payment to the worker if the completed task is not up to their standards (for example, if the majority of a survey was submitted unanswered).

For the present study, a solicitation for U.S. residents (of at least 18 years of age) to complete a survey on a variety of criminal justice issues was posted on MTurk for a reward of 25 cents. The solicitation linked potential respondents to the survey hosted on the web-based survey site SurveyMonkey. The first page of the survey acted as an informed consent document requiring the participants to click a button to proceed with the survey if they had read the information about the study and agreed to participate. The survey was comprised of 53 questions and was accessible to potential respondents for 1 week.

## **Instrumentation**

The data collection instrument was developed to measure the general public's attitudes toward juvenile sexting and to gauge the general public's perceptions toward various possible punishments for juvenile sexting. The questions were designed by the researcher following a review of the extant literature on juvenile sexting. Attitudes toward juvenile sexting were measured using a series of six statements. Specifically, the instrument contained items addressing belief in whether or not a majority of juveniles participate in sexting with other juveniles, perceived harm of juveniles sexting with other juveniles, and the legality of juveniles engaged in sexting. Participants were asked to rate their level of agreement with each statement on a five-point Likert-type scale (strongly disagree = 1, disagree = 2, neither agree nor disagree = 3, agree = 4, strongly agree = 5).

Perceptions toward possible punishments for juvenile sexting were measured using a series of eight statements. Each statement began with "A juvenile who engages in sexting with another juvenile should ..." followed by each potential punishment: "face no consequences," "receive a formal warning about future consequences of sexting," "be required to participate in educational programming about sexting," "be required to participate in community service," "be fined," "have their access to mobile phones and the internet restricted," "be incarcerated for some period of time," and "be required to register as a sex offender." Participants were asked to rate their level of agreement with each potential punishment on the same five-point Likert-type scale previously described.

## **Participants**

A total of 1,023 respondents participated in this study. The demographic characteristics of the sample are displayed in Table 2. The majority of the sample was female (56.5%), and the sample was predominately white (73.8%). Participants were most likely to be between 30 and 39 years old (34.4%), with slightly over one-quarter (26.1%) of the participants being between 18 and 29 years old. The sample was well-educated, with 66.3% of the respondents having some form of a college degree. Over one-third (39.6%) reported a yearly household income of at least \$60,000. The respondents were most likely to be married (45.9%) and almost equally likely to be a parent (51.2%) or not be a parent (48.8%). The sample featured respondents from every U.S. state, except for Wyoming, but respondents were most likely to be located in the South (39.4%). Politically, the respondents were most likely to consider themselves to be liberal or very liberal (44.6%). The respondents were asked about their own experiences with sexting. Slightly more than one-third (34.7%) of the respondents indicated that they had sent a photo or video to another party that way intended to be sexually explicit, while over half (51.1%) indicated that they had received a photo or video from another party that was intended to be sexually explicit.

**Table 2.** Demographic Characteristics of Sample

	% (n)
<i>Sex (n = 1,019)</i>	
Female	56.5 (576)
Male	43.5 (443)
<i>Age (n = 1,023); M = 38.7; SD = 12.6</i>	
18–29	26.1 (267)
30–39	34.4 (352)
40–49	18.9 (193)
50–59	12.6 (129)
60–69	6.5 (66)
70+	1.6 (16)
<i>Race (n = 1,021)</i>	
Caucasian	73.8 (753)
African American	8.9 (91)
American Indian or Alaskan Native	1.0 (10)
Asian or Pacific Islander	7.9 (81)
Hispanic or Latino	6.2 (63)
Other	2.3 (23)
<i>Education (n = 1,018)</i>	
Less than high school	1.0 (10)
High school diploma or equivalent (GED)	8.6 (88)
Some college, but no degree	24.1 (245)
Associate degree	12.3 (125)
Bachelor's degree	37.8 (385)
Graduate or professional degree	16.2 (165)
<i>Income (n = 1,019)</i>	
Less than \$10,000	4.6 (47)
\$10,001–\$19,999	9.1 (93)
\$20,000–\$39,999	23.1 (235)
\$40,000–\$59,999	23.6 (240)
\$60,000–\$79,999	26.2 (267)
Greater than \$80,000	13.4 (137)
<i>Marital Status (n = 1,021)</i>	
Never married	40.0 (408)
Married	45.9 (469)
Separated	2.0 (20)
Divorced	10.0 (102)
Widowed	2.2 (22)
<i>Have Children (n = 1,010)</i>	
No	48.8 (293)
Yes	51.2 (517)
<i>Region (n = 1,022)</i>	
Northeast	17.8 (182)
Midwest	19.7 (201)
South	39.4 (403)
West	23.1 (236)
<i>Political Orientation (n = 1,018)</i>	

Very conservative	6.1 (62)
Conservative	19.4 (197)
Moderate	30.0 (305)
Liberal	30.8 (314)
Very liberal	13.8 (140)
<i>Have you ever sent a photo or video to another individual that was intended to be sexually explicit? (n = 1,023)</i>	
No	65.3 (668)
Yes	34.7 (355)
<i>Have you ever received a photo or video from another individual that was intended to be sexually explicit? (n = 1,021)</i>	
No	48.9 (499)
Yes	51.1 (522)

## Data Analysis

The data gathered from this research was examined using IBM SPSS Statistics (Version 27). Frequencies were used to determine the participants' attitudes toward juvenile sexting and agreement with possible sanctions for juvenile sexting. Ordinary least squares (OLS) regression was conducted in order to examine the impact of multiple variables toward perceptions of juvenile sexting legality. A review of the Kolmogorov-Smirnov Test and Q-Q plot suggests that the normality of the data was reasonable for OLS regression. Additionally, tests of the variance inflation factors (VIF) of predictors and the tolerance of predictor variables to see if the data met the assumption of collinearity indicated that multicollinearity was not a concern in any of the OLS analyses.

Seven independent variables were used in the multivariate analysis. Specifically, sex (0 = female; 1 = male), race (0 = white; 1 = non-white), age (in years), education (0 = less than high school; 1 = high school degree or equivalent; 2 = some college, but no degree; 3 = associate degree; 4 = bachelor's degree; 5 = graduate or professional degree), parental status (0 = non-parent; 1 = parent), political orientation (0 = very conservative; 1 = conservative; 2 = moderate; 3 = liberal; 4 = very liberal), and sexting history (0 = never sent a photo or video to another individual that was intended to be sexually explicit; 1 = have sent a photo or video to another individual that was intended to be sexually explicit) were included in the regression analyses.

## Results

The descriptive statistics pertaining to the perceptions of the respondents toward juvenile sexting are presented in Table 3. Slightly under half (46.7%) of the respondents agreed or strongly agreed that a majority of juveniles participate in sexting with other juveniles. It should be noted that there was a degree of uncertainty in the responses of the sample, as over one-quarter (27.5%) of the respondents indicated that they were unsure if a majority of juveniles participate in sexting. There were low levels of agreement among the sample in regard to the two statements dealing with a lack of harm in juvenile sexting as only 18.2% of respondents agreed that juveniles sexting with each other is not harmful, and only 21.0% agreed that juveniles sexting with each other is not harmful as long as the juveniles are in a relationship. Again, there was some uncertainty among the sample as 27.2% of the responses indicated that they were unsure if juveniles sexting with one another is not harmful as long as the juveniles are in a relationship.

The respondents' attitudes toward the legality of juvenile sexting varied depending upon the specific circumstances. When presented with the general statement that juveniles sharing sexually explicit images or videos of themselves with other juveniles should be illegal, slightly under half (48.2%) of the sample indicated agreement. Once again, over a quarter (26.0%) responded that they were unsure of their agreement with this

statement. Support for the criminalization of juvenile sexting dropped to 38.7% when respondents were presented with the statement that juvenile sexting should only be illegal if the recipient of the sexually explicit material feels harassed. The respondents' level of agreement was at the highest for the criminalization of nonconsensual sharing of sexually explicit material among juveniles, as 80.0% of the sample agreed that a juvenile sharing a sexually explicit image or video of another juvenile with third-party juveniles should be illegal.

**Table 3.** *Attitudes Toward Juvenile Sexting*

	% (n)				
	SD	D	N	A	SA
The majority of juveniles participate in sexting with other juveniles ( $n = 1,023$ ).	3.0 (31)	22.8 (233)	27.5 (281)	37.3 (382)	9.4 (96)
Juveniles sexting with other juveniles is not harmful ( $n = 1,021$ ).	21.4 (219)	40.3 (411)	20.1 (205)	15.2 (155)	3.0 (31)
Juveniles sexting with other juveniles is not harmful as long as the juveniles are in a relationship with each other ( $n = 1,019$ ).	18.2 (185)	33.7 (343)	27.2 (277)	17.4 (177)	3.6 (37)
A juvenile sharing a sexually explicit image or video of themselves with another juvenile should be illegal ( $n = 1,016$ ).	6.0 (61)	19.8 (201)	26.0 (264)	28.7 (292)	19.5 (198)
A juvenile sharing a sexually explicit image or video of themselves with another juvenile should be illegal only if the recipient feels harassed ( $n = 1,018$ ).	14.1 (144)	26.3 (268)	20.8 (212)	28.6 (291)	10.1 (103)
A juvenile sharing a sexually explicit image or video of another juvenile with third-party juveniles should be illegal ( $n = 1,022$ ).	1.6 (16)	3.9 (40)	14.5 (148)	35.5 (363)	44.5 (455)

The descriptive statistics related to the perceptions of the sample toward appropriate punishments for juvenile sexting are displayed in Table 4. Slightly under one-quarter (24.4%) of the respondents felt that juveniles should face no consequences for sending a sexually explicit image or video of themselves to another juvenile. Among the possible punishments presented, the lowest levels of support were found for the most severe punishments as 11.5% of respondents advocated for sex offender registration, and 15.2% of respondents endorsed a period of incarceration for juveniles engaged in sexting with other juveniles. The respondents were more receptive to monetary punishment and community service as sanctions for juvenile sexting, but both still failed to receive a majority of support, as 23.1% of respondents agreed with a fine as a sanction for juvenile sexting and 40.3% of respondents agreed that juveniles should be required to participate in community service as a sanction for sexting. Three of the punishments offered as possible sanctions for

juvenile sexting received support from a majority of the respondents. The greatest levels of agreement amongst the sample were for juveniles to have their access to mobile phones and the internet restricted (53.4%), be required to participate in educational programming about sexting (67.4%), and receive a formal warning about future consequences of sexting (68.0%).

**Table 4.** Attitudes Toward Potential Punishments for Juvenile Sexting

A juvenile who engages in sexting with another juvenile should ...	SD	D	% (n)		
			N	A	SA
Face no consequences (n = 1,020)	18.3 (187)	30.1 (307)	27.2 (277)	16.8 (171)	7.6 (78)
Receive a formal warning about future consequences of sexting (n = 1,021)	5.1 (52)	9.4 (96)	17.5 (179)	49.1 (501)	18.9 (193)
Be required to participate in educational programming about sexting (n = 1,020)	5.1 (52)	10.2 (104)	17.4 (177)	41.5 (423)	25.9 (264)
Be required to participate in community service (n = 1,019)	11.2 (114)	21.4 (218)	27.2 (277)	27.9 (284)	12.4 (126)
Be fined (n = 1,014)	21.6 (219)	28.9 (293)	26.4 (268)	15.0 (152)	8.1 (82)
Have their access to mobile phones and the internet restricted (n = 1,019)	9.0 (92)	18.6 (190)	18.9 (193)	31.8 (324)	21.6 (220)
Be incarcerated for some period of time (n = 1,022)	32.8 (335)	30.1 (308)	21.9 (224)	11.0 (112)	4.2 (43)
Be required to register as a sex offender (n = 1,023)	48.6 (497)	23.9 (244)	16.0 (164)	7.0 (72)	4.5 (46)

The results of the three multivariate analyses centered on perceptions of the legality of juvenile sexting are provided in Table 5. A significant regression equation was found  $F(7, 986) = 24.20, p < .0001$ , with an adjusted  $R^2$  of .12, for the belief that a juvenile sharing a sexually explicit image or video of themselves with another juvenile should be illegal. Age, sex, race, parental status, political orientation, and sexting history were significant predictors of agreement. Specifically, male respondents ( $\beta = -.35, p < .001$ ), more politically liberal respondents ( $\beta = -.14, p < .001$ ), and respondents who had previously sent a sexually explicit photo or video to someone ( $\beta = -.29, p < .001$ ) were less likely to agree that a juvenile sharing a sexually explicit image or video of themselves with another juvenile should be illegal whereas older respondents ( $\beta = .01, p < .001$ ), non-white respondents ( $\beta = .22, p < .01$ ), and respondents who have children ( $\beta = .29, p < .001$ ) were more likely to agree that juvenile sexting should be illegal.

**Table 5.** OLS Regression of Public Attitudes Toward Juvenile Sexting Legality

Variable	Illegal		Illegal only if feeling harassed		Illegal if shared with third parties	
	<i>b</i> ( <i>SE</i> )	$\beta$	<i>b</i> ( <i>SE</i> )	$\beta$	<i>b</i> ( <i>SE</i> )	$\beta$
Age	.01(.00)	.14***	-.02(.00)	-.15***	.01(.00)	.09**
Sex	-.35(.07)	-.15***	.21(.08)	.08**	-.33(.06)	-.18***
Race	.22(.08)	.08**	.10(.09)	.03	-.08(.07)	-.04
Education	-.01(.03)	-.01	.01(.03)	.01	-.01(.02)	-.01
Parental Status	.29(.08)	.13***	-.08(.08)	-.03	.08(.06)	.05
Political Orientation	-.14(.03)	-.13***	.10(.04)	.09**	.05(.03)	.07*
Sexting History	-.29(.08)	-.12***	.08(.08)	.03	-.06(.06)	-.03
Constant	3.26(.18)		3.14(.20)		3.97(.15)	

Note: \*.05; \*\*.01; \*\*\*.001

A significant regression equation was found  $F(7, 989) = 11.72, p < .0001$ , with an adjusted  $R^2$  of .05, for the statement that a juvenile sharing a sexually explicit image or video of themselves with another juvenile should be illegal only if the recipient feels harassed. Age, sex, and political orientation were significant predictors of agreement. As the age of the respondents increased ( $\beta = -.02, p < .001$ ), the respondents were less likely to agree with this statement. Male respondents ( $\beta = .21, p < .01$ ) and more politically liberal respondents ( $\beta = .10, p < .01$ ) were more likely to agree with the statement.

A significant regression equation was also found  $F(7, 992) = 5.99, p < .0001$ , with an adjusted  $R^2$  of .05, for the belief that a juvenile sharing a sexually explicit image or video of another juvenile with third-party juveniles should be illegal. Once again, age, sex, and political orientation were the significant predictors of agreement. For this model, however, male respondents ( $\beta = -.33, p < .001$ ) were less likely to agree that a juvenile sharing a sexually explicit image or video of another juvenile with third-party juveniles should be illegal whereas older respondents ( $\beta = .01, p < .01$ ) and more politically liberal respondents ( $\beta = .05, p < .05$ ) were more likely to agree with that statement.

## Discussion

Compared to the extant research, a majority of the sample held inaccurate or uncertain beliefs about the extent that juveniles engage in sexting. A recent meta-analysis revealed that 19.3% of juveniles reported sending a sext and 34.8% reported receiving a sext (Mori et al., 2022). In the present study, almost half of the respondents overestimated how frequently juveniles sext, as 46.7% of the sample agreed or strongly agreed that a majority of juveniles engage in sexting while an additional 27.5% of respondents were uncertain whether a majority of juveniles sext.

Majorities of the respondents agreed that sexting amongst juveniles—both in general (61.7%) and if they are in a relationship (51.9%)—is a harmful practice. Despite this perception of harm, slightly less than half (48.12%) agreed that sexting amongst juveniles should be illegal. Further, the largest percentages of respondents

endorsed low-level punishments (restricted access to the internet, educational programming, and formal warnings) for sexting. It appears that while the general public recognized the potential for harm when juveniles sext, the public did not equate the harm from sexting with the harm that stems from criminal activity, such as child pornography. The public may also have recognized that the harm stemming from entanglement with the criminal justice system and more severe sanctions may outweigh the potential harm involved in sexting.

Support for the criminalization of juvenile sexting increased considerably when moving from sexting, in general, to nonconsensual sharing of sexts, as 80% of respondents agreed or strongly agreed that a juvenile sharing a sexually explicit image or video of another juvenile with third-party juveniles should be illegal. This finding aligns with the work of Blyth and Roberts (2014), who found that, when presented with several juvenile sexting scenarios, respondents only endorsed punishing those juveniles who shared sexually explicit material of other juveniles without their consent. As described earlier, this particular scenario of protecting juveniles from the nonconsensual sharing of their self-produced sexually explicit material—and it entering the child pornography market—provided the rationale for treating cases of juvenile sexting as child pornography (Holoysda et al., 2018; O'Connor et al., 2017). However, the act of sharing sexually explicit material without consent is a separate behavior and issue from sexting itself.

The act of sharing sexually explicit material is also not a concern linked solely to juvenile sexting. Adults also engage in sexting and thus may be subject to their self-produced sexually explicit material being shared without their consent. This nonconsensual sharing of sexually explicit material has been referred to as image-based sexual abuse (IBSA), or colloquially as revenge pornography. Among U.S. adults, prevalence rates of IBSA range from 4% to 20.3% (Branch et al., 2017; Call, 2021; Eaton et al., 2017; Lenhart et al., 2016; Ruvalcaba & Eaton, 2020). Of course, sexually explicit images or videos of adults (whether shared or kept private) are not illegal like those of juveniles that would be considered child pornography. However, adults having their private images or videos shared without consent still experience a variety of severe negative outcomes related to mental health issues that have been likened to those of child pornography victims (Kamal & Newman, 2016). For this reason, legislation aimed at combatting IBSA surged after 2014 and, presently, all but two states (Massachusetts and South Carolina) have laws addressing IBSA.

Those states that treat and punish juvenile sexting as child pornography are combining the issues of juvenile sexting with nonconsensual sharing of sexts among juveniles or juvenile IBSA. While the behaviors are linked, they can be treated as separate policy and legal issues that punish the nonconsensual sharing of private sexual messages amongst juveniles more severely—similar to current IBSA legislation—but impose lower-level sanctions on juvenile sexting in general as 26 states have already done.

The study's findings also shed light on public opinion concerning the punishments deemed appropriate for juveniles involved in sexting. When considering appropriate sanctions for juvenile sexting, respondents endorsed severe punishments like sex offender registration (11.5%) or incarceration (15.2%) the least. These are the punishments that would likely stem from a child pornography conviction. This low endorsement is in line with the growing consensus in research that highlights the negative implications of harsh punishments, including stigmatization, interruption of educational trajectories, and potential exacerbation of offending behavior (Kirk & Sampson, 2013; Levenson & Cotter, 2005; Petrosino et al., 2010). Instead, respondents favored internet and mobile phone access restrictions (53.4%), educational interventions (67.2%), and warnings (68%). These were the least punitive sanctions offered, but those most directly related to the behavior in question.

The results suggest that the public may recognize the importance of addressing sexting through rehabilitative and preventive measures and interventions that can help adolescents navigate digital sexual behaviors safely and responsibly. This aligns with a wider societal shift towards understanding juvenile misconduct within

developmental contexts and promoting interventions that educate and reform rather than purely punish (Lipsey et al., 2010; Steinberg, 2009). This perspective may also be grounded in the belief, again, that the harm caused by sexting does not equate to that caused by more severe criminal activities, such as child pornography.

The current study also highlighted factors that influenced public attitudes towards the legality of juvenile sexting, providing a more nuanced understanding of public perception. Notably, multiple regression analysis revealed that age, sex, and political orientation significantly influenced attitudes toward juvenile sexting across the board, indicating that these facets of identity influence opinions on this subject.

Older respondents were more likely to believe that juvenile sexting should be criminalized, reflecting the generational divide that often exists in perceptions of digital behaviors (Smith, 2014). This generational gap might be attributed to varying degrees of digital literacy, with older generations potentially being less familiar with digital communication norms and the implications of such behaviors (Friemel, 2016). This finding underscores the importance of facilitating intergenerational dialogue and understanding around the issue of sexting.

Male respondents, across the analyses, were more lenient in their views towards sexting, less likely to categorically regard it as illegal, and demonstrating a greater tendency to consider the feelings of the recipient and the nature of content sharing. This relative permissiveness among males might be reflective of broader gender norms and attitudes towards sexual expression and digital communication (Dake et al., 2012; Lippman & Campell, 2014), as well as differing perceptions of risk and consequences associated with sexting (Walker et al., 2013). The findings call for targeted educational efforts that take into account these gender-based differences in perception, to ensure that both males and females are equally informed about the legal and personal implications of sexting.

Political ideology also played a significant role in shaping respondents' attitudes towards the legality of juvenile sexting. Conservative respondents were more likely to support the criminalization of juvenile sexting than their liberal counterparts. This result aligns with existing literature on political ideology and attitudes towards crime and punishment, which often finds conservatives endorsing more punitive measures than liberals (Applegate et al., 1997; Gerber & Jackson, 2013).

## **Limitations**

While this study has provided important insights into the perceptions of the public regarding juvenile sexting and its legal implications, it is not without its limitations. One primary limitation of the current study is its reliance on self-reported data, which may be subject to social desirability bias. Given the sensitive nature of the topic, respondents might have adjusted their answers to align more closely with societal norms, potentially skewing the results. Further, the cross-sectional nature of the survey may not fully capture shifts in attitudes over time or evolving societal norms. Another limitation is the potential for non-response bias. The survey, by nature of its online distribution, could have been ignored or missed by some potential respondents. This bias could potentially limit the generalizability of the results. Additionally, the sample was not equally representative of all demographic groups, potentially limiting the breadth of the insights. Additionally, this research focused on juvenile sexting in the U.S. context. However, sexting and its associated legal issues are global concerns. Cross-cultural research examining perceptions of juvenile sexting in different countries could be insightful, helping to better understand global attitudes and contributing to the formation of international policies.



## Conclusion

Despite its limitations, this study provided valuable insights into public perceptions of juvenile sexting and the appropriate legal responses to it. The findings revealed a nuanced perspective, wherein the public largely did not support punitive measures akin to child pornography convictions for general instances of juvenile sexting. Instead more educational and preventive responses were favored. Support for criminalization markedly increased when considering the nonconsensual sharing of sexts, aligning with the public's apparent prioritization of consent in digital sexual behavior. Demographic factors, including age, sex, and political orientation, significantly influenced these attitudes, highlighting the complex interplay of societal norms, individual beliefs, and legal perceptions in shaping views on this increasingly prevalent digital behavior. Given the breadth and complexity of this issue, these findings underscore the importance of a balanced and nuanced approach in policy and legislation, which reflects the realities of adolescent digital communication, protects young people from harm, and educates them on safe digital behavior.

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