

2011 -- H 5094 AS AMENDED

LC00352

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO CRIMINAL OFFENSES - CHILDREN

Introduced By: Representatives Martin, DaSilva, Carnevale, and Ucci

Date Introduced: January 20, 2011

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 by
2 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.

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

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

1 (d) Any minor adjudicated under subsection (b) shall not be charged under section 11-9-
2 1.3 and, further, shall not be subject to sex offender registration requirements set forth in section
3 11-37.1-1 et seq., entitled "Sexual Offender Registration and Community Notification Act."

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
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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 as "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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