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# “Sexting”, or Possessing Explicit Materials on One’s Smartphone, Exposes Adolescents and Others to Criminal Liability

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## FEATURED ATTORNEY

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Teens do it. Adults do it. Even politicians like [Anthony Weiner](#) and professional athletes like Brett Favre do it. So what’s the harm? Sexting is a relatively new phenomenon involving the transmission of nude or otherwise explicit photos, video or text via an electronic communication device. Most frequently, sexting is an adolescent activity. The facts: (1) There is little to no privacy protections for the content that is sent between electronic communication devices. (2) There is absolutely no control by the original sender against rebroadcast. (3) There is a high degree of likelihood that these images/words will be indelibly posted on the internet. Having your most intimate images or intimate images of your family available for public consumption is just the tip of the iceberg when it comes to problems related to sexting. Depending on the circumstances, the sender, the receiver and/or others in possession of this material may be exposed to criminal liability and very serious consequences related thereto.

There have been cases across the United States where individuals have been held criminally liable for their sexting activities. If the subject of an explicit text/image is under the age of eighteen, there may be the potential for the sender or those in possession, to be charged with a child pornography/endangerment offense which often carries a sentence of long periods of probation, incarceration and registry as a sex offender. When the sexting activity involves bullying or other unwanted forms of communication, those involved may face criminal harassment or other related offenses which can result in probation, incarceration and fines. Criminal courts, family courts and school districts nationwide are adopting a zero tolerance approach to the sexting epidemic. Those who do not carefully consider their actions before hitting “send” risk embarrassment, public and familial disgrace, school discipline and potentially, a criminal conviction.

Parents must educate themselves about sexting and all of its related problems and pass that knowledge on to their children. Electronic devices should be checked often for signs of sexting-related material and action should be taken promptly. Children and young adults must be made aware of the permanent nature of electronic postings, their near instantaneous widespread availability, and the harm that such content can cause. In the case of sexting, ignorance, a lapse in judgment, or an “act of stupidity” may have dire, long-lasting consequences.

If you or a loved one is charged with a crime related to sexting or any other activity, it is critical that you obtain competent and experienced legal representation. In a criminal matter, time is of the essence. Immediate communication with an attorney will help insure that your rights are protected and that the case is handled to a just conclusion.

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For more information on this issue, please contact [Douglas Stern](#), Esq. or your attorney contact at our firm.