

Think Before You Send: Facts about Sexting and Cyberbullying

An Educational Guide for Youth

Developed by the Office of the Attorney General in
Partnership with the Office of the Child Advocate

We're Here to Help

Sometimes people who have caused harm to another person have also experienced harm themselves. Sometimes, when we do something wrong, we did it because we felt pressured to do it, or we didn't realize how our actions would impact someone else. Every situation is different. Your Diversion Coordinator is here to talk through the situation that led you to this program and work with you to identify strategies that can help keep you safe and out of trouble in the future.

If you need help – including if someone is pressuring you to do something that feels unsafe or that you don't want to do – reach out to your Diversion Coordinator or a trusted adult who can provide you with support to help you to navigate next steps.

What is Sexting?

Sexting is when you send sexual messages, images (such as a nude selfie), or videos to another person by phone, computer, or camera. Sexts can be sent by text, snap, DMs, email, or even live over FaceTime.

Sexting and AI

With new technology, some people have started using Artificial Intelligence (AI) programs to create a fake image of someone else that looks real. This type of image is called a "deepfake." It might seem harmless to create a fake "nude" image, but it can have the same consequences as sending or sharing a "real" picture.

When Does Sexting Become Harmful?

Sexting, or posting or forwarding nude or sexual images can cause serious harm. Research has shown that people can experience negative feelings after sending sexual content. These feelings can include:

- Embarrassment and regret;
- Sadness or even depression;
- Anxiety about what might happen with the messages or images;
- A sense of isolation from others.

Not everyone will experience those things, but some will. This is why it is harmful to pressure someone else to send you a text – it can really impact their mental health.

Even when you are an adult and consensual sexting is legal, it's NEVER ok and probably ILLEGAL to:

- Pressure someone into doing something they're not comfortable with;
- Send a nude picture or sexual message to someone without their permission;
- Blackmail or bully someone to convince them to send a sext;
- Threaten to break up with a partner if they do not send a sext;
- Record someone without their knowledge.



Did You Know?

In Massachusetts, it is a criminal offense to share, show, send, forward, or upload a nude photo of someone under age 18. It doesn't matter if the nude image is of your partner, friend, classmate, someone you don't know, or even yourself. It also doesn't matter whether the nude image is AI generated or completely authentic. **Learn more about sexting and the law below.**

Sometimes we receive an explicit image from someone else, and we want to share it with others. Even if you mean it as a compliment to the person, it's not okay to share or forward a sext. Doing so could embarrass, humiliate, or even devastate someone. It is a serious violation of someone else's privacy.

How Can Sexting Impact Me?

We've talked about the way pressuring someone to sext or sharing a sext can hurt others. However, it can also be harmful to you and your mental health. Here are some things that can happen:

- Losing friends because they might think you are no longer trustworthy;
- Losing privileges at home;
- Consequences at school – you could lose a spot on a sports team or other extracurricular activity, or you might be suspended or even expelled from school ;
- Getting you in trouble with the law.

Think About It

If you have sent a sext, what made you decide to do it?

If you have asked someone for a sext, why did you ask?

If you have asked someone for a sext and they sent it, why do you think they sent it? Do you think they felt good about the reason?

Do you know anyone who has been pressured or bullied into sending a sext? How did they feel?

Do you know someone whose sext was shared with others? How did that impact them?

A Closer Look at the Sexting, Child Pornography, and Revenge Porn Laws in Massachusetts

On September 18, 2024, a new law "An Act to Prevent Abuse and Exploitation" went into effect in Massachusetts. This act, sometimes called the "revenge porn" law, made it a criminal offense to share nude or sexually explicit images without consent, and ordered the development of an educational diversion program for juveniles engaged in sexting and related conduct.

Under this law, it is a criminal offense for a juvenile to possess, share, show, send, forward, buy, or upload to an internet website, a photo or video of a child under the age of 18 in a state of nudity or engaged in sexual conduct. This conduct is sometimes referred to as "sexting." It doesn't matter if the photo or video is of yourself, your partner, friend, classmate, or even someone you don't know. It also doesn't matter whether the nude image is a "deepfake" AI-generated image or a "real image." A violation of this new sexting law (M.G.L. c. 272, § 29D) can result in delinquency charges in the Juvenile Court.

There is a presumption under the new law that juveniles who are charged with the crime of sexting will be given the opportunity to enter and complete an educational diversion program rather than being arraigned and have a criminal charge appear on their "juvenile record."

Additionally, the distribution of a photo or video of another person in a state of nudity or engaged in sexual conduct, that causes physical injury, economic injury, or substantial emotional distress to the person depicted can in certain circumstances now qualify as “revenge porn” and be charged as criminal harassment (M.G.L. c. 265, § 43A). A first offense is a misdemeanor punishable by jail and/or a fine, but a subsequent offense is a felony punishable by a fine and/or jail or state prison.

Depending on the facts of the case, the act of sexting or revenge porn could lead to charges for violating our state’s child pornography laws. For example:

- Taking or encouraging to be taken a photo or video of a child under the age of 18 in a state of nudity or engaged in sexual conduct could qualify as posing a child in a state of nudity or sexual conduct (M.G.L. c. 272, § 29A);
- Sharing a photo or video of a child under the age of 18 in a state of nudity or engaged in sexual conduct could qualify as dissemination of child pornography (M.G.L. c. 272, § 29B); and
- Saving a photo or video of a child under the age of 18 in a state of nudity or engaged in sexual conduct could qualify as possession of child pornography (M.G.L. c. 272, § 29C).

Violations of these child pornography laws are felonies and could trigger jail or prison time (either in the juvenile or adult system) and registration as a sex offender.

A criminal record, even a juvenile record, could impact college admission, scholarships, employment, sports team selection, military admission, and eligibility for certain kinds of housing, along with other possible consequences.

These consequences can be scary – but remember, if you find yourself in a challenging situation, it is wise and safe to talk to a trusted adult and ask for help. In fact, the new law encourages you to do so:

It is **not a crime** to give the police, school personnel, or a parent/foster parent/guardian access to illegal photos and videos of children in a state of nudity or engaged in sexual conduct when reporting the receipt or discovery of such material.

Cyberbullying: Not Cool, Cruel – and Could Be Against the Law

Cyberbullying is when you use technology-- such as texting, email, social media, online gaming, pictures, or sounds-- to hurt or harm someone else with unwanted, aggressive, and repeated behavior. It can be just as harmful as bullying someone in person – and sometimes even more so. Cyberbullying is against the law, and can get you into serious trouble.

Let’s focus on a specific type of cyberbullying: online sexual violence, which includes sexual actions and behaviors directed towards others that are unwanted. Some examples of online sexual harassment/online sexual violence include:

- Randomly sending sexual messages, images, or videos (also called cyberflashing) to someone online.
- Sending unwanted or persistent sexual images or videos to someone else and then guilt-tripping them into sending one back (e.g. “I showed you mine so you should show me yours”).
- Threatening to break up with your boyfriend, girlfriend, or dating partner if they do not send you a sexual image, video, or message.
- Pressuring someone you know for sexual images, videos, or messages.
- Recording someone without their knowledge, and forwarding, posting, or threatening to forward or post those sexual images or videos.



- Forwarding or posting sexual images, videos, or messages to get revenge on someone (for example, an ex-friend, an ex-partner, or someone you dislike).
- Forcing or pressuring someone to undress, then taking a picture of them and posting or sharing it with others.

Why do people cyberbully?

There are a lot of reasons someone might pressure someone to sext or post or share nude or sexually explicit images with others. For example:

- **Because they feel peer pressured** to put someone down in order to gain “respect” or popularity. Sometimes people act without thinking things through because they see others doing something, even if that something is mean or a bad idea.
- **Because they want to get attention from others** or get a reaction from the person they are targeting. Sometimes people bully someone “as a joke.”
- **Because they want to show confidence, control, or power over others.** Sometimes when people have low self-esteem, feel insecure about themselves or feel powerless, they bully others as a way of making themselves feel better, stronger, or more powerful.
- **To get revenge** on someone they dislike.
- **To cause humiliation** to someone they dislike.

Think About It

Have you ever done something that could be considered cyberbullying?

If yes, why did you do it? How did you feel when you did it? How do you think the person you cyberbullied felt?

Why do you think other people do it?

Why do people sometimes do or say things online that are more extreme than what they would do in person?

Legal Disclaimer: This educational pamphlet is provided for informational purposes only. It is not legal advice and should not be construed as an attempt to provide a legal opinion about any of the matters discussed herein.

