

February 1, 2023

<Senate Committee on Judiciary>

<Re: Support Senate Bill 605>

Chair Prozanski, Vice Chair Thatcher, and Members of the Committee,

For the record, my name is Gabriella Cohen and I am a senior at Sunset High School. I am also one of the leaders of the Youth Interpersonal Violence Prevention Coalition. I am here today to request your support for Senate Bill 605.

Teen explicit media distribution, colloquially known as teen sexting, can be defined as youth (age 13-17) sending sexually explicit photos, videos, or materials (“nudes”) of themselves to another consenting teen through the Internet. Although sexting is a standard psychosexual development in the context of the digital era and studies show that between 25 and 60% of youth have engaged in such behavior, Oregon law fails to recognize the realities of teenage cell phone usage<sup>1</sup>. Instead, it labels such actions as a Class B Felony.

As such, throughout my middle school and high school career, the messaging around teen sexting has remained stagnant: do not sext, it is a felony. But, a 2013 study by the Department of Justice suggests that criminalization does nothing to stop teen sexting behaviors, and can even create an unsafe environment for victim-survivors of sexual assault<sup>2</sup>. Time and time again, my peers are faced with an impossible quandary – should I seek justice because my nudes were leaked, or risk being charged with child pornography myself?

Although the Oregon Legislature passed Senate Bill 188 and closed Revenge Porn loopholes with House Bill 2393 in 2019, this statute does not apply to minors.<sup>3</sup> Oregon law is failing to protect the most vulnerable members of our community in their key stages of development.

Additionally, like so many issues, teen sexting is one of equity. The Juvenile Law Center finds that youth of color and youth who identify as LGBTQ+ are disproportionately represented in youth sex offender registries, which have detrimental, lifelong impacts on employment ability, housing availability, and mental health.<sup>4</sup> A 2018 article by the American Bar Association cited that “registered children are nearly twice as likely to have experienced an unwanted sexual assault that involved contact or penetration in the past year and four times more likely to report a recent suicide attempt compared to non-registered children who have engaged in harmful or illegal sexual behavior.”<sup>5</sup>

Senate Bill 605 creates an affirmative defense for consensual teen sexting, with parameters, to support teens who are faced with these challenges. This defense aims to ensure that coercive

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<sup>1</sup> <https://www.lifespan.org/lifespan-living/what-sexting-and-it-common-among-teens>

<sup>2</sup> <https://www.ojp.gov/pdffiles1/ojdp/grants/244001.pdf>

<sup>3</sup> <https://olis.oregonlegislature.gov/liz/2019R1/Measures/Overview/HB2393>

<sup>4</sup> <https://jlc.org/sites/default/files/attachments/2020-09/Labeled%20for%20Life%202020.pdf>

<sup>5</sup> <https://www.americanbar.org/groups/litigation/committees/childrens-rights/practice/2018/ten-ways-youth-sex-offender-registration-harms-kids/>

and aggravated sexting remains punishable while preserving the autonomy of minors who participate in consensual, experimental sexting. By upholding prosecutorial discretion, SB 605 protects minors who have had sexually explicit photos leaked and removes barriers to reporting abuse. In order to curate an environment of justice, safety, and growth in Oregon, I urge the committee to pass Senate Bill 605.

Sincerely,

Gabriella Cohen