

[First Reprint]

ASSEMBLY, No. 2189

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED FEBRUARY 8, 2018

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Assemblywoman Murphy, Assemblyman Thomson, Assemblywomen
Vainieri Huttle, McKnight, Lopez and Assemblyman Houghtaling**

SYNOPSIS

Requires school districts to include instruction on consequences of distributing and soliciting sexually explicit images through electronic means as part of New Jersey Student Learning Standards in Comprehensive Health and Physical Education.

CURRENT VERSION OF TEXT

As amended by the Senate on June 7, 2018.

(Sponsorship Updated As Of: 7/1/2018)

1 AN ACT concerning the public school curriculum and
2 supplementing chapter 35 of Title 18A of the New Jersey
3 Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. The Legislature finds and declares that:

9 a. The teenage practice of “sexting,” sending a sexually
10 explicit text message, is a nationwide ¹**[problem that has**
11 **perplexed]** issue for students,¹ parents, school administrators, and
12 law enforcement officials. ¹**[A Study by the National Campaign to**
13 **Prevent Teen and Unplanned Pregnancy released data which**
14 **indicated that 19% of teens aged 13 to 19 had sent a sexually-**
15 **suggestive picture or video of themselves to someone via email, cell**
16 **phone, or through another form of online interaction, while 31%**
17 **had received a nude or semi-nude picture from someone else.]**¹

18 b. What many teens do not realize is that, by law, a sexual
19 image of any person under the age of 18 is child pornography.
20 Prosecutors in several states have charged teenagers who have
21 engaged in this behavior with criminal offenses, including
22 distribution of child pornography.

23 c. Pursuant to a law which became effective in April, 2012, the
24 New Jersey Legislature provided for a diversionary program for
25 juveniles who are criminally charged for “sexting” or posting sexual
26 images and permits them to participate in a remedial education or
27 counseling program as an alternative to criminal prosecution.

28 d. Beyond the legal consequences of this behavior, however,
29 sexting also has significant non-legal consequences including, but
30 not limited to, the effect on relationships, loss of educational and
31 employment opportunities, and being barred or removed from
32 school programs and extracurricular activities.

33 e. Because of the unique characteristics of cyberspace and the
34 Internet, a single sext has the potential to cause long-term and
35 possibly unforeseen consequences, and result in severe
36 embarrassment, ridicule, cyber-bullying, and lasting mental and
37 emotional trauma.

38 f. ¹**[Teachers, guidance counselors, and school officials are**
39 **having to contend with and care for panic-stricken and depressed**
40 **victims of malicious sexts who will not return to class, and may**
41 **even resort to self-inflicted injury or suicide.**

42 g.]¹ It is imperative that students understand at a young age the
43 severity of sending sexually explicit text messages and the impact
44 that these actions have on the students themselves, their victims,

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹**Senate floor amendments adopted June 7, 2018.**

1 and the community and that they receive instruction on how and
2 why to refrain from this very dangerous behavior.

3
4 2. A board of education shall include instruction on the social,
5 emotional, and legal consequences of distributing ¹and soliciting¹
6 sexually explicit images through electronic means once during
7 middle school in an appropriate place in the curriculum as part of
8 the school district's implementation of the New Jersey Student
9 Learning Standards in Comprehensive Health and Physical
10 Education. The Commissioner of Education shall provide school
11 districts with age-appropriate sample learning activities and
12 resources designed to implement this requirement.

13
14 3. This act shall take effect in the first full school year
15 following the date of enactment.