

CHAPTER 80

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

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

C.18A:35-4.32 Findings, declarations relative to “sexting.”

1. The Legislature finds and declares that:

a. The teenage practice of “sexting,” sending a sexually explicit text message, is a nationwide issue for students, parents, school administrators, and law enforcement officials.

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

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

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

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

f. It is imperative that students understand at a young age the severity of sending sexually explicit text messages and the impact that these actions have on the students themselves, their victims, and the community and that they receive instruction on how and why to refrain from this very dangerous behavior.

C.18A:35-4.33 Information provided to students.

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

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

Approved August 10, 2018.