



Legislative Council Staff

Research Note

Version: Final

Date: 4/25/2016

Bill Number

House Bill 16-1058

Sponsors

***Representatives Willett and
Fields
Senators Newell and Cooke***

Short Title

***Misuse Of Electronic Images By
A Juvenile***

Research Analyst

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Status

This research note reflects the final version of the bill, which was deemed postponed indefinitely on April 25, 2016, by the House PHC&HS Committee.

Summary

The bill creates the crime of misuse of electronic images by a juvenile, a class 2 misdemeanor. The offense occurs when a juvenile knowingly distributes, displays, publishes, or possesses a sexually explicit image of himself or herself, or of another juvenile who is within four years of age of the offender. It is a defense to the crime if the juvenile did not solicit, request, make, transmit, or distribute the image, and he or she took reasonable steps to destroy or delete the image or report receiving the image to law enforcement or a school official.

A juvenile charged with this crime may not also be charged with sexual exploitation of a child for the same image and criminal episode.

Background

Sending explicit images using cell phones or other electronic devices is commonly referred to as "sexting." Studies estimate that 20 to 28 percent of teens have sent an explicit image of themselves or others, and that more than one-third have received such an image. One study found that more than half of the teens surveyed had been asked to send an explicit image of themselves to another person. Roughly 25 percent of the participants in another study had forwarded an explicit image they received to another person.

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Aside from reporting to educators, students may report receiving sexually explicit images to the statewide safe2tell hotline (safe2tell.org) and school resource officers (peace officers who have undergone additional training specific to the role of law enforcement officials inside school buildings).

House Action

House Public Health Care & Human Services Committee (March 15, 2016). At the hearing, representatives from the Colorado Coalition Against Sexual Assault, the Colorado Coalition Against Domestic Violence, One Colorado, the Rocky Mountain Children's Law Center, the Colorado Criminal Defense Bar, and a private citizen testified in opposition to the bill. Representatives of the Colorado District Attorneys' Council, the Colorado Association of School Boards, and a private citizen testified in support of the bill. A district attorney and a representative of the Colorado League of Women Voters provided neutral testimony to the committee. The bill was laid over.

House Public Health Care & Human Services Committee (April 5, 2016). The committee adopted amendment L.004, which made actions included in the bill committed under certain circumstances a class 1 petty offense instead of a misdemeanor. The committee did not take final action on the bill, so it was deemed postponed indefinitely on April 25, 2016.