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Nathan H. Manning
State Senator
13th District

Senate Bill 239
Sponsor Testimony
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Chairman Eklund, Ranking Member Thomas, and members of the Senate Judiciary Committee, thank you for allowing me the opportunity to provide testimony on Senate Bill 239.

This bill creates a diversion program for teenagers who have sent explicit images. This same bill was sponsored by Representatives Rezabek and Hill during the 132nd General Assembly as House Bill 355. It passed through the House unanimously before running out of time at the end of the General Assembly.

The goal of Senate Bill 239 is to create the opportunity for a second chance for teens who have engaged in the distribution of sexually explicit digital material. Currently, there is a lack of consistency in sentencing these types of offenses. The additional direction provided by this language will serve to prevent a slew of unintended consequences that can result from these types of situations, such as young people having to register as sex offenders as a result of unclear and inconsistent sentencing lacking any efforts towards guidance or diversion. The bill creates a middle ground to allow teens to learn from their mistakes and understand the dangers of their actions.

Individuals under the age of 19 who are charged with this type of offense will have the opportunity to participate in a “sexting educational diversion program” in cases when the victim is over the age of 13, and less than four year younger than the offender. This option will only be available to offenders who do not have prior adjudication (or conviction if between the ages of 18 and 19) for a sex offense. Should an offender fail to complete the assigned program, they will be brought before the juvenile court.

This language provides an opportunity for prosecutors to pursue more serious charges for those who possess and distribute child pornography and clarifies that solicitation, blackmail, and extortion, among other serious offenses can still be used as grounds for prosecution under existing law.

Chairman Eklund, Ranking Member Thomas, and members of the committee, thank you for the opportunity to provide testimony on Senate Bill 239. I will be happy to answer any questions at this time.