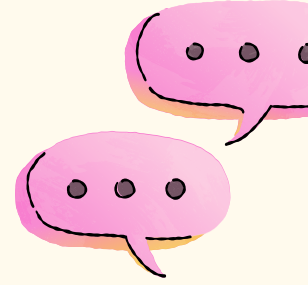




# DIGITAL CONSENT: SEXTING

## A RESOURCE FOR YOUNG PEOPLE



Sexting is a common way for people to explore their sexuality without the risk of pregnancies or sexually transmitted infections. However, there can be unintended consequences to sexting that every young person should be aware of. The following resource includes tips on safer sexting practices, as well as information about Washington State sexting laws.

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### WHAT IS SEXTING?

Sexting is defined as sexually suggestive depictions (texts, images, or videos) sent electronically. In Washington State, it is legal for adults (people 18 years old or older) to privately exchange sexts, as long as the depictions are of adults. For minors (people under 18 years old), it gets a bit more complicated.

In Washington State, it is illegal for a minor to send or possess sexual depictions of another minor. Meaning, a minor cannot send a nude photo of themselves or have a nude photo of a minor in their possession (such as on their phone or computer).

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### SEXTING LAWS FOR MINORS

Criminal Charges: A minor can be charged with a crime for distributing, publishing, transferring, disseminating, or exchanging sexual depictions of another minor 13 years old or older.

Teens can also face criminal charges for using nude photos to harass, threaten or pressure other teens.

Felony Charges: Teens can face felony charges for taking or distributing nude photos of children under 13, or selling photos of other teens. A felony is a more serious crime that can result in prison sentences.

More information about Washington State sexting laws for minors can be found under [RCW 9.68A.053](#)

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### SEXTING LAWS FOR ADULTS

Washington State's nonconsensual porn law makes it illegal for a person age 18 or older to disclose intimate images of another person without their consent.

Sharing intimate images of someone else is a gross misdemeanor on the first offense or a class C felony if the defendant has one or more prior convictions for disclosing intimate images.

More information about Washington State nonconsensual porn laws can be found under [RCW 9A.86.010](#)

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## IMPORTANT CONSIDERATIONS

Before someone sexts, there are important things to consider:

1. Who could see the image? If the image was shared or posted, someone's friends, family, or boss could see it.
2. Is the image identifiable? Meaning, if the image was shared or posted, could people tell who the image is of? Does it show someone's face or noticeable scars, beauty marks, or tattoos?
3. Judgment from others. People sometimes receive judgment for sexting, especially women and girls (due to sexism). This isn't right or okay, but sexting could more negatively impact some people more than others.
4. Trust. If someone sexted with a partner, what happens with the sext when/if the couple breaks up? Would each partner trust that the sext would be deleted?

## CONSENT + SEXTING

If adults choose to sext, they still need to make sure they're getting consent. Sending sexually suggestive photos, videos, or texts without getting consent first is considered sexual harassment. Sexual harassment is never okay and could also have legal consequences.

There should also be clear expectations established. It should be made clear who the sext is intended for, whether or not it can be shared, and if it should be deleted within a certain timeframe. If a sext is saved to someone's device, it should be communicated and agreed upon.

It is everyone's right to choose whether to sext or not. No one should feel pressured into sexting.

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## OPTIONS AFTER VICTIMIZATION

If someone is the victim of someone sharing their intimate photo or video, there are options. They may call a sexual assault advocate to ask what their legal options are, or go to [takeitdown.ncmec.org](https://takeitdown.ncmec.org).

If someone is the victim of digital-based sexual harassment, they could contact police or contact their school district's Title IX office (if they are a student or staff member of a school).