

## AN ACT TO PREVENT ABUSE AND EXPLOITATION

### ❖ **Teen Sexting**

- o Creates an educational diversion program to educate teens on the consequences of sending or posting of explicit images.
- o Diverts minors who share explicit images of themselves or their peers into educational diversion programs instead of charging them with child pornography offenses which would require the child to register as a sex offender.
- o Creates a new offense for minors who share explicit images of themselves or their peers that has less severe punishment than existing child pornography crimes.
- o Creates exception from criminal penalties for the consensual sharing of explicit images between individuals who have reached the age of consent (16) but not adulthood (18).
- o Allows minors to seek help and report incidents without fear of retribution or criminal penalty.
- o Permits DAs to petition courts to bring criminal charges in extreme cases.

### ❖ **Revenge Pornography**

- o Adds new subsection to existing criminal harassment law (G.L. c. 43A) to now include penalties for the nonconsensual sharing of explicit images, commonly known as “revenge pornography.”
- o Prohibits the knowing distribution of visual material depicting another person:
  - either identifiable or identified by the distributing person;
  - who is nude, partially nude or engaged in sexual conduct;
  - when distribution causes physical or economic injury or substantial emotional distress to the depicted person; and
  - does so with:
    - (i) the intent to harm, harass, intimidate, threaten, coerce or cause substantial emotional distress; or
    - (ii) reckless disregard for the depicted person’s lack of consent to the distribution of the visual material and reasonable expectation that the material would remain private.
- o 1<sup>st</sup> offense penalty: up to 2 ½ years in a house of correction (HOC), fine of not more than \$10k or both.
- o 2<sup>nd</sup> and subsequent offenses penalty: up to 2½ years in HOC or up to 10 years in state prison, fine of not more than \$15k or both.
- o Provides for the impoundment of visual material in court proceedings for privacy.

### ❖ **Coercive Control & Domestic Violence**

- o Adds “coercive control” to the definition of “abuse” under Chapter 209A, so non-physical forms of abuse by family or household members (including financial, technological and emotional abuse) now qualify for an abuse prevention order.
- o Includes conduct intended to threaten, intimidate, harass, isolate, control, coerce or compel compliance of a family or household member that causes the member to fear physical harm or have a reduced sense of physical safety or autonomy.
- o Extends the statute of limitations for assault and battery on a family or household member or against someone with an active protective order from 6 to 15 years.