

February 1, 2023

<Senate Committee on Judiciary>

<Re: Support Senate Bill 605>

Chair Prozanski, Vice Chair Thatcher, and Members of the Committee,

My name is Emily Phuong Tran and I live in Tigard, OR. I graduated from Tualatin High School in 2022 and I am now a first year college student at Harvard University studying Government. I am speaking in support of Senate Bill 605.

Last year, the Tualatin High School newspaper conducted an anonymous survey response among its staff members about the rise of teenagers distributing sexually explicit content on digital devices. One respondent wrote: “I knew about people who sent nudes as early as seventh grade”<sup>1</sup>. Not only is teenage sexting occurring early, as young as seventh grade, but it is also extremely common. A 2018 meta-analysis of 39 international studies with over 110,000 participants found the mean prevalence of teens sending sexually explicit materials of themselves to be 14.8 percent<sup>2</sup>. As shown through the qualitative survey and research studies, the recent rise of teen sexting has become commonplace in middle and high schools.

While it may be difficult for adults to talk about – or even think about – teen sexting, we have to grapple with its contributions to sexual violence in our schools. Many more teenagers have received and distributed sexually explicit content of other teenagers than those who have created sexually explicit content of themselves. That same meta-analysis found that the prevalence of forwarding sexually explicit content of others without their consent to be 12.0% and the prevalence of receiving sexually explicit content of others without their consent to be 8.4%<sup>3</sup>. Therefore, the non-consensual distribution of sexually explicit content is a reasonable concern among the teenage population.

As the Legislature has acknowledged prior in its passage of “revenge porn laws”, sexually explicit content is personal. The dissemination of sexually explicit content without one’s consent has become a weapon because it is damaging to the lives of its victims.

Yet, as the rise of non-consensual distribution of sexually explicit content has been addressed by the State’s “revenge porn laws”, it is unaddressed to the teenage population even as the activity becomes more widespread. The intentions of “revenge porn laws” are not translatable to the teenage population because of our minor status. Sexually explicit content depicting teenagers is inevitably entangled in the State’s broad child pornography statutes, even when teenagers create content consensually, experimentally, without coercion or financial inducement. Teenage victims of the dissemination of their

---

<sup>1</sup>The Wolf Staff. “Teenage sexting should not warrant jail time...or sex offender registration.” The Wolf, 29 April 2022,

<https://tuhswolf.com/3693/opinion/teenage-sexting-should-not-warrant-jail-time-or-sex-offender-registratio>

<sup>2</sup> Madigan, Sheri, et al. “Prevalence of Multiple Forms of Sexting Behavior Among Youth: A Systematic Review and Meta-Analysis.” JAMA Pediatrics, vol. 172, no. 4, 2018, pp. 327–35, <https://doi.org/10.1001/jamapediatrics.2017.5314>.

<sup>3</sup> Ibid.

own sexually explicit content without their consent may face a felony charge because they themselves have “distributed child pornography”. This lack of protection from the State lends itself to the wavering opinions of prosecutors.

The affirmative defense provided to teenage victims of non-consensual distribution of their own sexually explicit content enhances the victims’ ability to seek justice for the revenge porn crimes committed against them. As my colleague Hannah Figueroa-Velazquez has written in her testimony to this committee, the laws that discourage teenage victims from reporting revenge porns crimes are well-known to teenagers. Therefore, where the Committee has an interest in applying “child pornography laws” meant to protect teenagers from the exploitation of their images, the Committee would have an interest in specifying the State’s laws to how and who the laws are meant to protect. As it stands, Oregon’s laws on child pornography inadvertently targets its victims because the laws group victims as perpetrators. Though prosecutorial discretion stands, the extremely limited scope of Senate Bill 605 provides a statutory baseline – a reasonable expectation – that prosecutors should not be able to use overly broad child pornography laws to criminalize teenagers when the behavior is innocent, experimental, without coercion or financial inducement. Senate Bill 605 would have a clarifying effect on what the State already intends, which is to protect teenagers from the non-consensual distribution of their images where it would have damaging effects.

I urge the Committee to pass Senate Bill 605.

Sincerely,  
Emily Phuong Tran