

Youth Sexting: A Multidisciplinary Review of Psychological Risks and Legal Challenges

Lianyan Zhou *

Department of Counseling and Clinical Psychology, Teachers College, Columbia University, New York, United States of America

***Corresponding Author:** Lianyan Zhou, Department of Counseling and Clinical Psychology, Teachers College, Columbia University, New York, United States of America, Tel.: 3104478427, E-mail: jz3807@tc.columbia.edu

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Abstract

Sexting, broadly defined as the creation, transmission, and receipt of self-generated sexually explicit content via mobile technology and social networks, has become increasingly prevalent. However, concern arises regarding its rising occurrence and impact among youth. While some suggest that sexting may offer a safer and potentially healthier means for youth to explore their sexuality, others argue that it cannot substitute for authentic interpersonal intimacy and may entail significant risks. Empirical evidence indicates that sexting may be more detrimental than beneficial for youth development, particularly for vulnerable groups such as girls, LGBTQIA+ individuals, and ethnic minorities, who appear to face disproportionately elevated risk of experiencing severe psychological consequences. Behavioral issues are more common among youth who participated in sexting, although current literature does not consistently demonstrate significant causal associations. Additionally, youth sexters can face serious legal ramifications, including punishments ranging from a sexual education program to arrests and registration as a sexual offender.

Drawing upon psychological and legal literature, this review examines mental health and behavioral outcomes, discussing legal complexities of youth sexting. This review emphasizes that the adverse consequences of sexting generally outweigh purported benefits. As clinical and legal frameworks continue to evolve, particularly with the emergence of artificial intelligence and its implications for the creation and dissemination of digital sexual content, lawmakers are urged to consider more nuanced and context-sensitive policies. This review underscores the importance of proactive measures, advocating for increased parental engagement, education, and legislative reforms to address the multifaceted challenges posed by youth sexting more effectively.

Keywords: Sexting; Law; Forensic Psychology; Mental Health; Youth

Introduction

Definition Issues: Youth and Sexting

The rapid advancement of technology has profoundly transformed not only how individuals live and communicate but also how crimes are perpetrated. Increasing access to the internet and digital devices has led to a rise in cybersexual offenses. Sexual violence that is perpetrated online has been termed "image-based sexual abuse" [18, 30]. Although sexting behavior itself is not illegal, it often can evolve into image-based sexual abuse and crime, in particular, when youth are participating.

Initially termed "sex texting," the emergence of sexting can be traced back to the early 2000s [47]. After the phrase entered the media lexicon in 2005, "sex" and "texting" were unified as sexting, with the majority of reports being celebrity scandals [7, 14]. Whereas by 2008, the media shifted attention to focus on the issues of workplace harassment and youth sexting behaviors [7]. As a novel concept, the definition of sexting varies in both research and law [1, 22]. However, meta-analyses on the definition of sexting have concluded that studies commonly defined sexting as an "online, electronic, or virtual activity using the internet and/or mobile devices" where the content is of "sexually explicit texts, images, or videos" [e.g., 1, 14, 9, 40]. For this review, we consider youth sexting as receiving and sending self-produced sexually explicit content, with at least one party participating in the exchange being younger than 21 years of age.

Subtypes of sexting can be broadly categorized as "experimental sexting," which is consensual and involves the voluntary sharing of sexts [10, 38, 51], and "aggravated sexting," which consists of the intent to harm [66]. More specifically, aggravated sexting includes non-consensual sexting and pressured sexting [70]. Non-consensual sexting is defined as sharing sexts without permission of the original sender, implying exploitation and harassment of the other [51, 56]; pressured sexting involves someone sending a sext to someone, although they might not have necessarily wanted to do so [72]. More recent research also identified emotional sexting, in which people sext as a way to regulate emotions [4, 51].

Sexting can be similar to other cyber sex crimes. Therefore, differentiating sexting from other types of cyber sexual violence helps to provide a more comprehensive understanding of the issue. First, a sext can be child pornography if a minor is portrayed [46]. This is also reflected in the court when consensual teen-only sexting can be considered as producing and exchanging child pornography, resulting in felony charges and sex offender registration for the minors involved [46]. Secondly, sexting can evolve into revenge porn if previous consensual sexts are leaked to a broader audience without permission [20, 25, 31]. Thirdly, sextortion is similar to aggravated sexting in that both involve non-consensual sharing of explicit images with the intent to harm [13]; however, sextortion, in particular, refers to the threat of exposing sexual images in coercing victims to provide additional pictures, engage in sexual activity or agree to other demands [69].

Youth Sexting Prevalence

The prevalence of sending, receiving, and forwarding sexts among adolescents and young adults has progressively increased from 2009 to 2020 [37]. Researchers have also observed that the prevalence of engaging in sexting among adolescents increases steadily, peaking in young adulthood [28, 41, 51]. A meta-analysis of 110,380 adolescents across 39 studies reported that the mean prevalence of sending sexts is 14.8%, while the prevalence of receiving sexts is 27.4%; furthermore, the prevalence of forwarding sexts without consent is 12.0%, and having sexts forwarded without consent is 8.4% [28]. For young emerging adults (18-29 years old), a systematic review of 50 studies involving 18,122 participants reports that the prevalence of sending sexts is 38.3%, receiving is 41.5%, and reciprocal sexting is 47.7% [40].

In terms of sexting subtypes, a study in 2023 concluded that for young adults, the most prevalent form of sexting is experimental/consensual sexting (47% to 77%), followed by the aggravated/risky type (43%), and then by the emotional type (30%) [51].

In other studies, the rate of consensual sexting was between 41.5% and 52.7% among high school students [42, 64, 72]. The prevalence of engaging in non-consensual sexting among adolescents ranges from 1.5% to 32% [67, 72].

The variation in the statistics may be attributed to the differences in research design. Depending on the definition of sexting, sample characteristics, participant characteristics, age, and the time of the study, results vary from one study to another [18, 27, 78]. Nevertheless, the prevalence of sexting behavior is relatively high among youth.

The Impact of Sexting on Psychological and Behavioral Health

The growing popularity of sexting has prompted increasing scholarly and public concerns. The feedback on sexting, beyond research, reflects a spectrum of attitudes. Some characterize sexting as a healthy and normative aspect of youth sexual development, arguing that it is a personal choice in which the sexter has self-efficacy and ability to control the creation and transmission of content [74, 79]. Consensual/experimental sexting can function as an “intimate form of communication in which sexual material is exchanged with the partner within an intimate relationship to explore sexuality” [51]. Sexting may also function as a coping mechanism to navigate negative feelings, especially in the absence of more effective emotion regulation skills [4, 51]. Furthermore, some studies have associated sexting with enhanced relationship satisfaction [50]. Early empirical investigations suggested that sexting is a relatively low-risk alternative to actual sexual intercourse for youth [63].

However, other studies argue that sexting is no closer to a healthy alternative option for actual sexual intercourse [e.g., 7]. Instead, sexting might serve as a precursor to sex and “sexpectancies”, resulting in earlier sexual initiation [45, 60]. Sexting is statistically significantly correlated with the likelihood of having ever engaged in sexual intercourse and often occurs within a cluster of specific sexual risk behaviors among youth [54]. Compared to non-sexting counterparts, youth engaging in sexting were seven times more likely to be sexually active and twice as likely to engage in unprotected sex [19, 54]. Temple et al. (2014) and Benotsch et al. (2013) also reported that young adults who engage in sexting are more likely to report recent substance use, unprotected sex, engaging in oral and anal sex, and having sex with multiple partners [2, 61, 75].

Additionally, a considerable amount of research reported that sexting, in particular non-consensual type and pressured type, is positively correlated with mental health concerns [72]. Both receiving and creating sexually explicit images have negative impacts on teens; 21% and 25%, respectively, have reported feeling very or extremely upset [33]. A large amount of evidence supports that there is a significant correlation between engaging in sexting and depression [23, 61, 65]. More specifically, Dake et al. (2012) reported found significant positive correlation between self-production and sending of sext messages and depression and thoughts/ attempts of suicide among youth [45, 75]. Decreased self-esteem, increased stress, and increased anxiety are also common outcomes of youth sexting [12].

Teenagers also have an increased risk of sexual bullying, cyber victimization, harassment by peers, and blackmailing associated with sexting, particularly when images are shared with unintended third parties [28, 45]. It is reported that the motivations and aggressive behaviors of instrumental/aggravated sexting are suggestive of aggressive and exploitative tendencies, which lead to teen dating violence perpetration and victimization [5]. Moreover, youth with conduct problems reported elevated levels of sexting [76]. Interestingly, Frøyland et al. (2024) find a reverse relationship between conduct problems and sexting, indicating girls and boys who previously have conduct problems are more likely to participate in sexting. However, conduct problems predict increased sexting scores only for girls [77].

It is also noteworthy that the experience of negative impacts of sexting is more severe for some than others. Reinforced by the dichotomy in sexual behavior norms, sexting tends to have a greater impact on girls [e.g., 11, 24]. Additionally, girls, ethnic minorities, adolescents with disabilities, and sexual minorities are more vulnerable to depressive symptoms, non-suicidal self-harm, and subjective mental health complaints related to aggravated sexting [53, 72].

Furthermore, the hierarchy of popularity in school can affect the repercussions of sexting if the sexts are distributed. A participant in Crofts et al. (2015) reported that: “[I]t depends on who you are. If it were me that sent it in high school, I’d probably have the shit kicked out of me by someone. But because this guy was also up there, nothing happened to him, it was just like Oh yeah, sick man!” Thus, the less popular an individual is, the more bullying and harassment they may receive [7].

Legal Frameworks of Sexting: The Changing Sexting Legal Framework

Generally, no legal concern arises when adults are consensually sexting each other. The majority of legal debate of sexting is when minors are involved, as the universal moral position is that any sexual image of minors is considered exploitative [25]. Teen-to-teen sexting is an illegal act in all 50 states; however, not all states have passed laws to address teenage sexting [46]. There is also no federal law specifically addressing sexting; instead, depending on the jurisdiction, sexting involving minors was criminalized and prosecuted strictly under existing anti-child pornography laws, regardless of consent or age [63].

In the United States, sexting first raised national attention when an online survey conducted by the National Campaign to Prevent Teen Pregnancy in 2008 reported that 20 percent of teens ($n = 653$) between thirteen and nineteen, and young adults between twenty and twenty-six years old had sent or posted nude or semi-nude photos and/or videos of themselves [71]. Between 2009 and 2013, 42 states considered bills to address youth sexting; by 2015, 20 states had passed laws related to sexting [27]. A report by the Cyberbullying Research Center updated that by 2022, 27 states had passed laws related to sexting [17]. Compared to child pornography laws, some newly amended sexting laws may reduce the charges from felony to misdemeanor in some states [17]. Some states also passed diversion programs that provided mandatory education as an alternative for teenagers. For example, New York passed the Cybercrime Youth Rescue Act in 2011 to address cyberbullying among young people; The next year, the state created a Teen Sexting Diversion program. However, to be eligible for the program, the person charged must be 20 years or younger and within five years apart from the other person who was receiving the sexts [59]. Overall, the main goals of the legislation are to educate young people about the risks of sexting, deter them from it, and apply appropriate penalties by “protecting youth from harsh sentences under child pornography statutes, which were created to protect youth from sexual exploitation by adults” [68]. Nevertheless, teen-involved sexting is still legally challenging.

Legal issues with Minors Involved in Sexting: Privacy, Protection, and Freedom of Speech

In sexting cases, there's a tricky balancing act between minors' rights to privacy and the state's responsibility to shield children from exploitation and harm. Some consider sexting as a normative behavior and part of sexual and identity formation [e.g., 28]. Van der Hof and Koops consider that autonomy during adolescence is significant for one's psychosocial development: “Increasingly allowing adolescents individual freedoms and responsibilities is paramount to becoming an autonomous person, and deficiencies in growing into independence from parents can, eventually, amount to emotional and social harm” [63]. Their report suggested that parental minors remain important in the case of sexting, however, in a different, more relaxed form.

However, as previously discussed, sexting is not a safer alternative for exploring sexuality and identity. In addition, youth involvement creates legal complications. The increase in high-profile cases broadcast by the media has led to an increase in public disapproval of the behavior [32]. In 2008, *Miller v. Skumanick* became the most publicized sexting case involving minors [71]. The event began when the principal of a Tunkhannock Area School District school confiscated students' cell phones and found lewd photos of students [71]. The case was brought to the United States Court of Appeals for the Third Circuit, and almost all twenty families involved agreed to the judge's deal to complete a six to nine-month educational program, including an essay explaining why their actions were wrong [36].

Nevertheless, imposing regulations and restraints on teenage sexting often leads to controversy relating to the freedom of speech. Historically, minors and freedom of speech have been a hot-button issue. According to McLaughlin, while the First

Amendment guarantees freedom of speech, not all speech is of equal societal value [32].

In *Roth v. United States*, the Supreme Court ruled that adults have the right to possess pornography as long as it is not obscene [55]. Later, in the case of *Miller v. California*, the Supreme Court identified the legal definition of obscenity as material that lacks First Amendment protection without "serious literary, artistic, political, or scientific value" [32, 34]. Within a decade, in *New York v. Ferber*, the court recognized states' ability to protect the welfare of minors and hence outlawed depictions of minors that portray sexual acts, even if the images did not satisfy the definition of obscenity [32]. Nevertheless, McLaughlin pointed out that legislation prohibiting child pornography must satisfy some constitutional standards, that "the nature of the harm to be combated requires that the state offense be limited to works that visually depict sexual conduct by children below a specified age. The category of 'sexual conduct' proscribed must also be suitably limited and described" [32, 43].

The debate between freedom of speech and the law also exists on school grounds, with milestone cases that have established the boundaries between First Amendment rights and the law. In 1969, *Tinker v. Des Moines Independent Community School District* ruled that freedom of speech for students is not unlimited; speech that "materially disrupts classwork or involves substantial disorder or invasion of the rights of others" is not immunized by the Constitution [62]. Hence, public schools are allowed to discipline students for activities that disrupted school operations but were otherwise lawful [71].

However, *Tinker* was only concerned with substantially disruptive political matters when it first passed. In *Bethel School District No. 403 v. Fraser*, the court ruled that lewd and vulgar speech does not serve the First Amendment [3]. Fraser also emphasized (1) *Tinker's* mode of analysis is not absolute, and (2) minors have more restricted rights under First Amendment: "The use of an offensive form of expression may not be prohibited to adults making what the speaker considers a political point, but it does not follow that the same latitude must be permitted to children in a public school" [3, 39]. Following *Fraser*, *Hazelwood v. Kuhlmeier* ruled that schools have greater authority over students' speech on school-sponsored activities when it is "reasonably related to legitimate pedagogical concerns" [16, 71]. In 2007, the U.S. Supreme Court case *Morse v. Frederick* built upon and made an exception to the precedent established in *Tinker v. Des Moines*, ruling that schools can restrict speech that promotes illegal drug use, disruptive or not [39]. *Morse* highlighted the duty of the school to protect students from harmful behaviors.

Hence, these case laws allow public schools to place limitations on the content of speech if it is deemed "vulgar and offensive" or "sexually explicit, indecent or lewd" [71]. Sexting, therefore, may not be protected under the First Amendment and may face disciplinary action. Depending on the legislation and specific case, the legal repercussions of sexting differ tremendously.

Prosecuting Teen-Only Sexting with Child Pornography Laws: Issues

Sexting often falls within states' definitions of child pornography, which prohibit the production, possession, and distribution of images depicting sexually explicit activity involving minors [68]. Under the child pornography category, the federal definition of "sexually explicit" is:

"Prohibited sexual act" is defined as "sexual intercourse...masturbation, sadism, masochism, bestiality, fellatio, cunnilingus, lewd exhibition of the genitals or nudity if such nudity is depicted for the purpose of sexual stimulation or gratification of any person who might view such depiction." 18 Pa. Cons. Stat. Ann. § 6312. This statute was amended during the pendency of this appeal, see H.B. 89, 193rd Gen. Assem., Reg. Sess. (Pa. 2009), but the amendments are not material to this case. The photograph of Doe could only fall under the last category — "nudity...depicted for the purpose of sexual stimulation or gratification of any person who might view such depiction" [35].

Based on these criteria, youth sexting violates recently enacted sexting laws or child pornography or child exploitation laws, depending on the jurisdiction [45]. In Thorne et al. 2024, many countries have safeguard regulations to prevent minors from be-

ing prosecuted for child pornography offenses if “sex sent voluntarily between consenting individuals who are close in age, the image depicts abuse or assault, and the image stays private.” However, many states in the U.S. do not have such protections [78]. Critics argue that child pornography laws are “uncompromising and indiscriminate and can be misapplied” when addressing youth sexting, frequently resulting in overcharging [49, 52].

In *State of Iowa v. Jorje Canal Jr.*, eighteen-year-old high school senior Jorje Canal sent an electronic photo of his erect nude penis along the sides with a picture of his face and the words “I love you” to his then fourteen-year-old girlfriend. This youth sexting case is unique because Canal was merely of legal age. However, because the girlfriend is a minor, the Iowa Supreme Court adhered to a statute designed to encompass and punish adult pedophiles, tried Canal as an adult, and punished him with imprisonment, fines, and sexual offender registration [32, 58]. Because Canal was an adult at the time, hence, applying child pornography laws was appropriate. However, prosecuting youth using the same law can result in “catastrophic outcomes” [22].

In 2015, North Carolina charged two high school students — football quarterback Cormega Copening and his girlfriend Brian-na Benson — with possession of child pornography and felony child exploitation after they were caught consensually sexting each other [46]. Although both Copenning and Benson were sixteen at the time, the media were allowed to release the teens’ names in their reports as both were tried as adults [46, 73]. Copening was charged with five counts of felonies: two for creating nude selfies, two for sending the images to his girlfriend, and one for possessing explicit photos of Denson. On the other hand, prosecutors charged Denson with one felony count of creating a nude selfie and one for sending it to Copening [73].

Interestingly, prosecutors also argued that in this case, both teenagers victimized and exploited themselves by creating and sharing nude selfies. Both teenagers were facing imprisonment as an outcome of child pornography related felony charges, with 10 years and 4 four years for Copening and Benson, respectively [74]. Therefore, consensual sexting can violate child pornography laws if explicit images of minors are involved, whether or not the minor created the images or shared them with others. Copening and Benson are one of many cases that reflect the often disconnection between these child pornography statutes, laws related to the age of sexual consent, and typical teenage sexting behavior in jurisdictions where no specific teenage sexting laws have been adopted [46].

In addition, arrests for sexting by youth are not uncommon. Wolak, Finkelhor, & Mitchell (2011) reported that teenagers have been arrested for taking nude pictures of themselves and texting them to classmates or posting them online. Between 2008 and 2009, U.S. law enforcement agencies handled 3477 cases of youth-produced sexual images, about 66% of which were considered aggravated sexting. Among these cases, an arrest was made 62% of the time with adult involvement; in youth-only cases, 36% resulted in an arrest. The same report also reported that 18% of youth-only experimental sexting, that is, consensual, resulted in an arrest [70]. A study surveyed 378 prosecutors who worked on technology-facilitated crimes against children and reported that 60% have handled sexting cases, 36% have filed charges for sexting cases, and 21% have charged felony [68]. The same survey also summarized four major circumstances in which a prosecutor will file a charge for sexting involving a minor: (1) malicious intent/bullying/coercion or harassment (36%), (2) distribution (25%), (3) if a large age difference existed between the people involved (22%), and (4) graphic nature of the images (9%) [68].

Scholars argue that the child pornography laws intend to “protect minors from adults who produce, possess, or distribute images of child nudity or sexual abuse” [46]. However, it is stated that prosecuting teen sexting images as child pornography does not achieve the statutory intent to protect minors; rather, it is a misapplication of the law [26, 46].

Artificial Intelligence and Sexting: New Issues, New Resolutions

The involvement of artificial intelligence further complicates the legal issues surrounding sexting. Advancements in AI technology that enable the creation or recreation of deepfake pornographic content have facilitated the rise of aggravated sexting and

revenge porn incidents. With these technologies, the user can easily replace the face of a nude model with someone they know, such as a classmate. Because of technological facilitation, the scale of victims for AI-related sexting crimes is often relatively large.

In 2024, several cases involving AI-generated sexting gained national attention. In March, multiple major news channels broadcast an interview with Stevie Hyder, a sophomore attending Richmond-Burton High School in Richmond, Illinois [8]. Hyder was a victim of aggravated sexting involving AI-manipulated images. Her prom photo was altered into “sexually explicit images” and distributed among classmates. The police investigation found that approximately 30 students and three staff members were victimized [44]. Two juveniles were arrested, one charged with 17 counts of child pornography, one Class 1 felony, and two counts of distribution of harmful material to a minor, a Class A misdemeanor; the second juvenile was charged with 13 counts of child pornography, a Class 1 felony, and four counts of distribution of harmful material to a minor, as well as a Class A misdemeanor [6]. Later in 2024, a similar incident was reported at Lancaster Country Day School, where 50 students were victimized. Two students were charged with 59 counts of sexual abuse of children, alongside other charges, including the distribution and possession of child pornography [21].

These AI-involved sexting cases are hard to prosecute because these AI-involved images are, according to President Jones of Dickinson College, not an actual photo [29]. Jones also said: “You can’t really, you can’t really prosecute under the child pornography statutes, and that’s where the loophole occurred” [29]. To bridge the gap, some states are already attempting to pass new laws targeting AI-involved crime to combat this new issue. In 2024, Pennsylvania passed Senate Bill 1213 to become law ACT 125 [29]. ACT 125 updated existing laws to prohibit the use of AI-generated content that appears to “authentically depict a child under 18’ engaging in sexually abusive acts that did not occur in reality” [48]. In April 2025, Luke Teipel of Dallas-town became the first person to be charged under the new act. Teipel was charged with 33 felony counts for possession of child sexual abuse material, including artificially generated images on his laptop and phone [15]. In a statement released by Pennsylvania Attorney General David W. Sunday Jr., he pointed out that these charges are the first step in adopting the new act to protect the children: “We now have a law on the books that enables the filing of serious felony charges in AI cases that we previously could not prosecute” [48].

Conclusion

Sexting remains a fast-evolving concept, with growing research and an adapting legal framework centered around youth sexting, with the view on the effects of the behavior being divided. Regardless of the potential developmental utility of sexting, studies reported that sexting is significantly associated with depressive symptoms, impulsivity, substance use, and behavior issues. The debate over sexting is also the debate over youths’ rights and legal responsibilities; nevertheless, youths engaging in sexting are more vulnerable to exploitation and face serious legal consequences. Thus, parental involvement, education, and regulation are recommended as preventative strategies. However, many parents struggle to have effective communication with their youths, especially on sensitive topics. While some parents might be avoidant of opening up with youths about sex and relationships, others may be reluctant [24, 57]. Programs such as Media Aware Parent, a web-based program, may come in handy. The Media Aware Parent program was designed to improve adolescent sexual health by providing parents with the skills to have high-quality communication with youth about sex and relationships, as well as to mediate their media usage [57]. A pretest-posttest study found that Media Aware Parent is effective in improving both parent-child communication and adolescents’ sexual health outcomes [57]. These findings highlight the critical role of parents in shaping healthy sexual behaviors and digital literacy among youth.

Lastly, with the rise of AI technologies and their implications for digital sexual content, lawmakers are urged to consider more specific policies regarding these emerging challenges. ACT 125 sets a precedent in legal history, making it the first law to target

AI-involved sexting images. Additionally, lawmakers should also consider adopting more appropriate approaches when handling youth sexting in general.

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