

Sexting prohibited.

(Added ___ by Ord. No. ____)

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

MINOR

Any person under the age of 18 years.

NUDITY

The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state. A mother's breastfeeding of her baby does not under any circumstance constitute "nudity", irrespective of whether or not the nipple is covered during or incidental to feeding.

HARMFUL TO MINORS

Any reproduction, imitation, characterization, description, exhibition, presentation, or representation, of whatever kind or form, depicting nudity, sexual conduct, or sexual excitement when it:

- (1) Predominantly appeals to a prurient, shameful, or morbid interest;
- (2) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors; and
- (3) Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.

B. A minor commits the offense of Sexting by knowingly:

- (1) Transmission: Using any device capable of electronic data transmission to transmit to another minor any image or recording of nudity that is harmful to minors.

- (2) Possession: Possessing an image or recording that was transmitted or distributed by another minor that depicts nudity that is harmful to minors.
 - (a) A minor does not violate this paragraph if any of the following apply:
 - 1. The minor did not solicit the photograph or video.
 - 2. The minor took reasonable steps to report the photograph or video to school or law enforcement official.
 - 3. The minor did not re-transmit the image or recording to a third party other than law enforcement official.
- (3) Solicitation: Solicits the transmission or distribution of any image or recording that would itself be prohibited by this ordinance.

C. Application of Ordinance to First Offenses only. No person shall be cited under the provisions of this section who has previously been cited under this ordinance or been charged under a state statute prohibiting the same or similar conduct.

D. Penalties: Any person who shall violate this section shall pay a forfeiture plus costs