

SEXTING, TEXTING AND BEYOND

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I. CELL PHONE USE WHILE DRIVING

Cell phone use while driving a vehicle can be dangerous.

According to the National Safety Council (1/12/10) – 28% of all traffic crashes - or at least 1.6 million crashes each year – are caused by drivers using cell phones or texting. 135.2 billion texts are sent monthly.

According to the New England Journal of Medicine, drivers who use a cell phone – either hand held or hands free – are 4 times more likely to be involved in a crash.

Cell phone use while driving is not only dangerous, it can be illegal:

THE LAW – R.S. 32.300.5: NO PERSON 17 YEARS OF AGE OR YOUNGER SHALL OPERATE A MOTOR VEHICLE WHILE USING ANY WIRELESS TELECOMMUNICATIONS DEVICE.

So, if you are age 16 or age 17 DO NOT USE YOUR CELL PHONE WHILE DRIVING

II. TEXTING WHILE DRIVING

THE LAW – R.S. 32:300.5: NO PERSON SHALL TEXT WHILE DRIVING

It's a misdemeanor offense and it is very dangerous!

III. CIVIL LIABILITY FOR PARENTS

LOUISIANA CIVIL CODE ARTICLE 2318: THE MOTHER AND FATHER ARE RESPONSIBLE FOR DAMAGE CAUSED BY THEIR MINOR CHILD.

PARENTS CAN BE SUED FOR INJURIES OR DAMAGE DONE BY THEIR MINOR CHILD.

IV. CYBERSTALKING

THE LAW – R.S. 40.3: USING AN ELECTRONIC DEVICE, E.G., CELL PHONE, BLACKBERRY, LAP TOP COMPUTER TO TRANSMIT ANY COMMUNICATION FOR THE PURPOSE OF THREATENING, TERRIFYING OR HARASSING ANOTHER PERSON.

Example:

I send a text to you saying that I am going to hurt you.

Or

I send repeated texts to you in a harassing manner.

Cyberstalking is a crime punishable by a fine, a jail sentence, or both.

V. CYBERBULLYING

**THE LAW – Act 989 of 2010 & 14:40.7:
TRANSMITTING OF ANY ELECTRONIC, TEXTUAL
VISUAL OR WRITTEN OR ORAL COMMUNICATION
WITH THE MALICIOUS AND WILLFUL INTENT TO
COERCE, ABUSE, TORMENT OR INTIMIDATE A
PERSON UNDER AGE 18.**

Example:

A group of girls (any age) get together and send a series of cell phone texts or e-mails to another girl (under 18) that are mean, intimidating, and hurtful.

Penalty:

Possible jail time, fine and seizure and impoundment of the electronic devices (i.e. cell phones, computers, photography equipment, etc.)

VI. SEXTING

The act of sending sexually explicit photos electronically primarily by high school teenagers and young adults, though it is known to occur among children as young as middle-school age.

A social danger with sexting is that material can be very easily and widely promulgated/distributed over which the originator has no control.

Once it's out there, there's no getting it back!

Sexting can lead to unintended and severe consequences. Sexting has been linked to severe embarrassment when photos are passed to people other than the intended recipient. Another consequence is cyberbullying in which software, Photoshop, is utilized to "doctor" photos that are then posted without consent.

THE LAW – R.S. 14:81.1.1 (2010):

A(1) NO PERSON UNDER THE AGE OF SEVENTEEN YEARS SHALL KNOWINGLY AND VOLUNTARILY USE A COMPUTER OR TELECOMMUNICATION DEVICE TO TRANSMIT AN INDECENT VISUAL DEPICTION OF HIMSELF TO ANOTHER PERSON.

(2) NO PERSON UNDER THE AGE OF 17 YEARS SHALL KNOWINGLY POSSESS OR TRANSMIT AN INDECENT VISUAL DEPICTION THAT WAS TRANSMITTED BY ANOTHER UNDER THE AGE OF SEVENTEEN YEARS IN VIOLATION OF THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION.

SO, TAKING A PHOTO AND SENDING IT, OR
RECEIVING AND POSSESSING IT OR SENDING IT TO
ANOTHER IS A VIOLATION.

This crime is a misdemeanor and is punishable in a court of
law.

SUMMARY

1. Cell phone use while driving is dangerous. In some instances cell phone use while driving is illegal.
2. Texting while driving is extremely dangerous and illegal.
3. Louisiana Civil Code Article 2318: The mother and father are responsible for damages caused by their minor child. Parents can be sued for injuries or damage done by their minor child.
4. The crimes of Cyberstalking and Cyberbullying are illegal, particularly obnoxious and abusive, sometimes leading to irreparable results.
5. The crime of Sexting is illegal and also may lead to unintended serious consequences.
6. If you commit any of these crimes there may be a fine, jail time, or both.
7. If you commit and are convicted of any of these crimes, you may well be required to disclose this embarrassing information on college applications, the result of which may be (1) that you are not admitted to the college of your choice; (2) that you are denied a scholarship.

8. If you receive any inappropriate text or image on your cell phone, computer, Blackberry, or any electronic device, report this to a parent or teacher immediately.