

Position statement:

U.S. House of Representatives passage of HR 1761

ATSA
MAKING SOCIETY SAFER

atsa.com

The Association for the Treatment of Sexual Abusers (ATSA) makes the following statement regarding the May 25, 2017, passage by the U.S. House of Representatives of HR 1761, the Protecting Against Child Exploitation Act of 2017:

We applaud the intent of this bill to strengthen statutes prohibiting the production and distribution of child pornography. Child sexual abuse is a horrific crime that can cause long-term trauma and harm to those who are abused. Unfortunately, this bill, as passed, creates the unintended consequence of criminalizing all transmissions of sexual images of minors. This includes sexting among consenting teenagers.

As written, this law creates an inflexible, one-size-fits-all system that would subject any teenager caught sending a sexually revealing photo of him- or herself, or viewing such a photo, to a mandatory minimum sentence of 15 years in prison and lifetime registration as a sex offender.

Surveys of students¹ consistently find that 20 to 50 percent of teens have exchanged sexually explicit text messages that include images. While this fact may make parents uncomfortable, we do not think most families would agree that consensual texting should result in teenagers going to prison and registering as sex offenders. This is not the way to address teenage misbehavior or help adolescents learn to make better decisions.

Adolescents are not mini-adults, and public safety generally is not improved by imposing harsh penalties on youth. Teenagers and communities are best served by recognizing that adolescence is a time of change and growth, and that the most effective laws and policies focus on helping teens develop prosocial skills, self-control, and better judgment. Education and treatment, not labeling and punishment, are more effective at helping adolescents grow into productive and crime-free adults.

By imposing mandatory minimum sentences for everyone, regardless of age or other factors, this law also removes local judicial discretion that can more effectively respond to and address the risks and needs of individual offenders, those who have been harmed, and their communities. Mandatory minimum sentences also continue to put an unsustainable strain on prison populations and costs.

This law was passed out of committee without any public hearings. As a result, the House has passed a bill that creates criminals of many teenagers, removes local judicial discretion, and adds to the overpopulation of prisons caused by mandatory sentences. We urge Congress to take the time to rewrite this law to more effectively target the egregious crime of child sexual abuse, enable local flexibility in sentencing, address the needs of victims, and avoid causing harm to teenagers who need help to grow into positive, contributing members of the community.

¹See studies by Drexel University, National Campaign to Prevent Teen Pregnancy, Pew Internet and American Life Project, Cox Communications, CNN, MTV, and the U.S. Department of Justice.

The Association for the Treatment of Sexual Abusers (ATSA) is an international, multi-disciplinary organization of professionals dedicated to making society safer by preventing all forms of sexual abuse through effective treatment and management of individuals at risk to sexually abuse or who have sexually abused. ATSA encourages prevention through sound research, effective practice, informed policy, and comprehensive stakeholder collaboration.