



C.L. "BUTCH" OTTER
GOVERNOR

April 8, 2016

The Honorable Lawrence Denney
Secretary of State
Idaho Capitol
Boise, ID 83720

VIA HAND DELIVERY

Dear Mr. Secretary,

I hereby advise you that I am transmitting today the following House Bill, which was allowed to become law without my signature:

H 555a

as prescribed by the Constitution the same having arrived in my office on March 28, 2016 at 4:42 PM.

Sexual exploitation of children is unacceptable, period. Everyone should agree that protecting our children from sexual predators is one of the highest and most important roles of government.

I agree with the intent of this legislation, namely diverting minors from prosecution under child pornography laws and having to register as sex offenders for texting inappropriate pictures of themselves to another minor. I also agree with the bill's focus on punishing individuals who forward or distribute these images to others.

"Sexting" or sending inappropriate electronic images of oneself is a reckless behavior with potentially far reaching, negative consequences. Too often minors do not understand the long-term, ruinous effects of their actions in this digital era when electronic images can last forever.

I am worried, however, about also ruining a teen's future due to an overzealous prosecution under this legislation for what amounts to a terrible lapse of judgment. The language of the bill is clear, among other things: one inappropriate image sent to another and both individuals can be prosecuted for misdemeanors.

This session saw the legislature relax penalties and even provide immunity for underage drinking in some situations. Again, I believe we did not condone underage drinking with those bills, but instead recognized that a poor decision doesn't always need to be compounded by the penalties of our criminal justice system. Therefore, it is curious why the legislature did not continue this trend, or do as other

states have, by finding a way to address the concerns surrounding sexting without the draconian outcomes associated with misdemeanor or felony punishments. Perhaps next session additional conversations will occur along these lines.

In the end, by allowing this legislation to become law without my signature, I hope this bill will serve as a deterrent to teens sending or receiving sexts, but I am also not naïve nor do I believe any law will stop this conduct. Conversations must start in the home and parents need to explain the dangers associated with sexting if we are to convince our kids to avoid the trappings of technology.

As Always – Idaho, "Esto Perpetua"

A handwritten signature in blue ink, appearing to read "C.L. Butch Otter". The signature is stylized and fluid, with a large initial "C" and "O".

C.L. "Butch" Otter
Governor of Idaho

Cc The Honorable Scott Bedke