



SOUTH

## REGARDING THE ENDORSEMENT OF STATE LEGISLATION CRIMINALIZING SEXUAL EXTORTION ("SEXTORTION")

### **BACKGROUND**

Sexual extortion, commonly known as "sextortion," is the act of obtaining sexually compromising information from a victim, including sexually explicit private videos or images, and threatening to disclose the information to coerce the victim into providing money, additional materials or sexual favors. In most reported sextortion schemes, initial contact is made through social media, gaming sites or other messaging applications, where perpetrators lead victims to believe they are communicating with someone their age, usually of the opposite sex.

Although anyone can become a victim of sextortion, it has become a growing problem affecting children and teens, often leading to tragic consequences. The FBI reports an "explosion" of incidents involving children and teens being coerced into sending sexually explicit images online and then being extorted for money and more explicit material. In 2022, law enforcement agencies received more than 7,000 reports related to the online sextortion of minors, primarily boys, according to the FBI. Perpetrators from all over the world, including organized crime organizations in several West African countries, adopt fake identities online, pretend to be females and target young males. The FBI, in partnership with Homeland Security Investigations and the National Center for Missing and Exploited Children, has issued a national public safety alert warning the public about the dangers of sextortion.

More than a dozen victims died by suicide due to involvement in sextortion schemes, according to the U.S. Department of Justice. The number of suicides is likely far higher, based upon under-reporting. Victims are desperate to stop the offender from sharing sexual images or other compromising material with their friends, family or the public. Feeling a sense of shame, they are reluctant to tell anyone. It is difficult for victims to come forward, admit they have made a mistake and ask for help. They feel there is no way out.

During the 2023 legislative session, the South Carolina General Assembly passed [House Bill 3583](#) (Act No. 54) to impose criminal penalties for those found guilty of sextortion. The new law is named "Gavin's Law" in honor of South Carolina Representative Brandon Guffey's 17-year-old son Gavin Guffey, who died by suicide after becoming a victim of a sextortion scheme. Under the new law, perpetrators of sextortion face felony charges of up to 20 years in prison if found guilty. House Bill 3583 also requires local school districts, in collaboration with the state Department of Education, the State Law Enforcement Division and the Attorney General's office, to implement a policy notifying students and families of the law's provisions. This requirement to notify the public about the bill's provisions is what makes the South Carolina sextortion bill unique.

More than a dozen other states, including several Southern states, such as Alabama, Arkansas, Georgia and Virginia, have passed bipartisan legislation that strengthens criminal penalties for sextortion perpetrators. The passage of these laws reflects the urgency of combating sexual extortion and giving law enforcement agencies the ability to hold perpetrators to account. There is a need to make other states' laws even stronger by requiring that schools and other state agencies educate the public on the dangers of sextortion.

## **RECOMMENDATION**

The Council of State Governments Southern Office supports and encourages member states to endorse bipartisan efforts to strengthen criminal penalties for sextortion and to promote provisions designed to educate the public about online sextortion scams. Policymakers may consider the South Carolina model ([House Bill 3583 of 2023](#)), also known as Gavin's Law, which passed with unanimous support in both the House and Senate, as well as previous successful efforts in Alabama ([Senate Bill 301 of 2017](#)), Arkansas ([House Bill 1808 of 2017](#)), Georgia ([Senate Bill 9 of 2019](#)) and Virginia (House Bill 2398 of 2023), as templates for similar legislation in their states. As the number of sextortion cases continues to grow, law enforcement agencies must have the necessary tools to protect exploited victims, particularly children, teens and young adults disproportionately targeted by such schemes.

The Council of State Governments Southern Office requests that a copy of this policy position be forwarded to its member states' governors, lieutenant governors, and legislative presiding officers.