GAVIN'S LAW (SEXUAL EXTORTION) (STUDENT)

Code **JICFB** Issued **11/23**

The district is committed to maintaining a learning environment free from intimidating or harassing behavior of any kind, including sexual extortion. In keeping with this commitment, the district prohibits any student, staff, or third parties from engaging in any behavior that would satisfy the definition of sexual extortion or aggravated sexual extortion as described in state law. Further, the district will not tolerate retaliation against a person who has made a report or filed a complaint alleging sexual extortion or who has participated as a witness in an investigation.

Definitions

Adult means a person 18 years or older.

Minor means any person under 18 years of age at the time of the alleged offense.

Great bodily injury means bodily injury which causes a substantial risk of death, or which causes serious, permanent disfigurement or protracted loss or impairment of the function of a bodily member or organ.

Private image means an image depicting sexually explicit nudity, sexual activity, or sexual conduct as defined in state law.

Image means a photograph, film, videotape, recording, live transmission, digital or computer-generated visual depiction, or any other reproduction made by electronic, mechanical, or other means.

Disclose means exhibit, transfer, publicize, distribute, or reproduce.

Sexual extortion means intentionally and maliciously threatening to release, exhibit, or distribute a private image of another in order to compel or attempt to compel the victim to do any act or refrain from doing an act against his/her will, with the intent to obtain additional private images or anything else of value.

The following information provides descriptions of the different sexual extortion offenses and includes the applicable criminal penalties. The district's authority does not extend to enforcement of criminal penalties. However, the district will assist with the process by notifying the appropriate law enforcement agency of violations as is anticipated by state regulation governing minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts.

Felony Sexual Extortion

A person commits felony sexual extortion if the actor intentionally and maliciously threatens to release, exhibit, or distribute a private image of another in order to compel or attempt to compel the victim to do any act or refrain from doing any act against his/her will, with the intent to obtain additional private images or anything else of value.

A person convicted of felony sexual extortion is subject to the following:

- imprisonment for not more than five years for a first offense
- imprisonment for not more than ten years for a second offense; or
- imprisonment for not more than twenty years for a third or subsequent offense

Aggravated Felony Sexual Extortion

A person commits aggravated felony sexual extortion if the actor intentionally or maliciously threatens to release, exhibit, or distribute a private image of another in order to compel or attempt to compel the victim to do any act or refrain from doing any act against his/her will, with the intent to obtain additional private images or anything else of value and either: the victim is a minor or a vulnerable adult and the person convicted of sexual extortion is an adult; or the victim suffers great bodily injury or death and the finder of fact finds beyond a reasonable doubt that the sexual extortion of the victim was the proximate cause of the great bodily injury or death.

A person convicted of aggravated felony sexual extortion is subject to imprisonment for not more than twenty years.

Misdemeanor Sexual Extortion

A minor convicted of sexual extortion is guilty of a misdemeanor and must be sentenced by the family court. As a condition of sentencing the family court may order behavioral health counseling from an appropriate agency or provider.

Notification

This policy and information regarding Gavin's Law will be communicated through a variety of efforts to educate students, staff, parents/legal guardians, contract and other workers, volunteers, visitors, and other members of the public.

Reporting

Any student who feels he/she has been subjected to sexual extortion is encouraged to file a complaint in accordance with procedures established by the superintendent. Complaints will be investigated promptly, thoroughly, and confidentially. All staff members are required to report alleged violations of this policy to the principal or his/her designee. Reports by students or staff may be made anonymously but formal disciplinary action by the district will not be taken solely on the basis of an anonymous report.

The district prohibits retaliation or reprisal in any form against a student or staff member who has filed a complaint or report of sexual extortion. The district also prohibits any person from falsely accusing another as a means of intimidation, bullying, or harassment.

District Level Discipline

Students, staff, parents/legal guardians, contract and other workers, volunteers, visitors, and other members of the public are required to comply with this policy. The district will enforce this policy through appropriate disciplinary actions for violators.

Students whose behavior is found to be in violation of this policy will be subject to discipline and graduated consequences, up to and including expulsion, and will be referred to law enforcement officials, as appropriate, consistent with policy JICDA, *Code of Conduct*.

Staff members found in violation of this policy will be subject to disciplinary action, up to and including termination and will be referred to law enforcement officials, as appropriate, consistent with district policy, including GBEB, *Staff Conduct* and GBEBB, *Staff Conduct with Students*.

Visitors or volunteers found in violation of this policy will be subject to appropriate sanctions and will be referred to law enforcement officials, as appropriate.

Adopted ^11/2023

Legal References:

A. S.C. Code of Laws, 1976, as amended:
   1. Section 16-15-305 Disseminating, procuring, or promoting obscenity unlawful; definitions; penalties; obscene material designated contraband.
   2. Section 16-15-375 Applicable definitions.
   3. Section 16-15-430 - Gavin's Law.

B. S.C. State Board of Education Regulations:
   1. R43-279 - Minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts.