

Sexual Extortion

Act 100 of 2019

Overview

Sexual extortion is a sex crime in Pennsylvania, with the passage of House Bill 1402 (Sponsors: Reps. Tedd Nesbit & Joanna McClinton) in the 2019 legislative session of the Pennsylvania General Assembly. Now law, Act 100 of 2019, establishes a clearer path for victims to seek justice and enables Pennsylvania to better identify, report, charge, and prosecute crimes of sexual extortion.



What is sexual extortion?

A person commits sexual extortion when they threaten to harm or withhold a reward, service, or other thing of value in order to coerce sexual acts, images, or videos from a victim. Threats can be made directly against a victim or against a third party, such as a victim's family member. A person also commits sexual extortion when they demand money from a victim in exchange for removing or destroying sexual images or videos.

What are examples of sexual extortion?

Online, an acquaintance or stranger may obtain images or videos and then threaten to share them unless the victim complies with demands for additional images, videos, or sexual acts. Online sexual extortion can occur through text, email, social networking platforms and apps, games, and dating apps. In this current technological age, one person who commits sexual extortion can have hundreds of victims, with children being at high risk.

In person, a person may abuse their power or authority to demand sexual acts, images, or videos. For example, **an authority figure who holds a position of trust** or supervisory or disciplinary power over the victim through their legal, professional, or occupational status, may abuse that power to demand sexual acts, images, or videos.

Imagine being told to perform a sexual act or provide an image, or you will...

- Face eviction
- lose your job
- face a tougher penalty
- experience financial hardship
- worry your family member will be harmed

Imagine being told to perform a sexual act or provide an image, if you want...

- legal representation
- a promotion or paycheck
- a favorable report to court
- a lighter sentence or lower charge
- the housing unit for which you've been months
- a repair to your lock or window

What are penalties for sexual extortion?

If a person commits sexual extortion, they may be charged with a misdemeanor of the first degree. However, the person may face a felony of the third degree if:

- They have committed this crime before (a repeated course of conduct)
- The victim is a minor (under the age of 18)
- The victim has an intellectual disability
- The person committing the crime holds a position of trust or supervisory or disciplinary power over the victim.

How advocates can help

Pennsylvania's laws were insufficient, which left victims with long-lasting detrimental effects, without any redress. With the passage of this bill, advocates can help raise awareness about sexual extortion with victims, the larger community, and their colleagues.

In your organization:

- 1 Discuss sexual extortion and share this factsheet with agency staff, especially those providing direct services to victims and families; Add sexual extortion to prevention and awareness programs pertaining to online harassment, abuse, and assault;
- 2 Be proactive in asking victims and survivors about sexual extortion and the various ways it can occur—for example, add questions to the intake process and content covered during individual and group sessions. Engage in safety planning with victims. Support victims in reporting this crime if they wish to pursue legal options.
- 3 Provide systems advocacy in housing, education, workplaces, and other realms where sexual extortion has occurred.

In your community:

- 1 Discuss sexual extortion and share this factsheet with multidisciplinary partners, such as law enforcement, district attorneys, and elected officials.
- 2 Provide educational programs in schools, workplaces, housing, legal, social service, and other settings to support community members in preventing and addressing this crime.
- 3 Engage media partners in covering this new crime and helping the general public learn more about sexual extortion.

PCAR is grateful to survivors who spoke out and shared their experiences with sexual extortion to help lend support to this legislation; the Pennsylvania District Attorneys Association who partnered with us on this legislation; partners at Legal Momentum who brought much-needed attention to this crime throughout the country; sponsors, Representatives Tedd Nesbit and Joanna McClinton and Senate champions, Senators Judy Schwank and Kim Ward; and leadership in the House and Senate for prioritizing and passing this legislation.