



**TO:** Honorable Members of the Senate Judiciary Committee

**FROM:** Marci Hamilton, Founder & CEO, CHILD USA, and Kathryn Robb, Executive Director, CHILD USA Advocacy

**RE:** California S.B. 435 – Civil law: personal rights: online sex trafficking: sexual photographs

**DATE:** January 5, 2022

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Dear Honorable Members of the Senate Judiciary Committee,

Thank you for allowing us<sup>1</sup> to submit testimony in support of S.B. 435, which will strengthen current policies addressing online sexual exploitation and abuse of children (OSEAC) and the distribution of child sex abuse material (CSAM). The troubling reality is that the very online platforms we use daily to connect with one another and exchange information are now being used to commit OSEAC and produce and traffic CSAM. While this material is transmitted behind a screen, **the images and videos depict actual crimes and egregious sexual violations against children.**<sup>2</sup>

Not only do these images and videos document victims' exploitation and abuse, but each time a child victim's image is redistributed, collected, and viewed, their abuse is perpetuated and that child is re-victimized.<sup>3</sup> Additionally, abusers often use the online arena for "**child grooming**,"<sup>4</sup> with the end goal of manipulating the child to send a sexually explicit photo or video and/or to **meet in-person to sexually abuse the child.**<sup>5</sup> Thus, if passed, this legislation will mark a critical step in California's fight against both online and offline child exploitation and abuse.

Tragically, OSEAC is one of the fastest growing crimes and threats against children, with the demand for CSAM reaching epidemic proportions in recent years:

- In 2021, the US Sentencing Commission found that **OSEAC has increased by 422%** over the last 15 years.<sup>6</sup>
- In 2020, **65.4 million CSAM images and video files** were reported to the National Center for Missing and Exploited Children's CyberTipline, the highest number of reports ever received in a single year.<sup>7</sup>
- At any given time, there are at least **one million child sex offenders** searching for CSAM online.<sup>8</sup>
- Research into actively trafficked images of identified victims suggests that **CSAM becomes more violent and sexually explicit over time.**<sup>9</sup>



- With the shift to teleworking and remote learning, there has been a rise in the funding, production, and distribution of CSAM during the COVID-19 pandemic.<sup>10</sup>

**1 IN 5 GIRLS AND 1 IN 13 BOYS  
ARE SEXUALLY ABUSED**



In the United States, approximately 1 in 5 girls and 1 in 13 boys are sexually abused before the age of 18.<sup>11</sup> The trauma stemming from sexual assault, including in the form of OSEAC, is complex and individualized, and it **impacts victims throughout their lifetimes:**<sup>12</sup>

- Trauma related to child sexual assault can have devastating impacts on the young adult brain, including posttraumatic stress disorder, disrupted neurodevelopment and impaired social, emotional, and cognitive development.<sup>13</sup>
- Child victims are at greatest risk for future revictimization.<sup>14</sup>
- The physical health implications of experiencing sexual violence are often underappreciated, yet they often exacerbate the significant and pervasive emotional and financial costs associated with victimization, especially for those with chronic health conditions.<sup>15</sup>

The trauma attendant to sexual assault also **gravely impacts victims' ability to participate and succeed in school**, and ultimately, their future career path:

- Approximately 40% of victims who report sexual violence to their schools experience a substantial disruption in their educations.<sup>16</sup>
- Nearly 10% of victims drop out of school entirely.<sup>17</sup>
- For those victims who remain enrolled, the vast majority experience adverse academic effects which, in turn, negatively impact their financial wellbeing.<sup>18</sup>

Moreover, the costs of child sex abuse are staggering, generating expenses that impact the nation's health care, education, criminal justice, and welfare systems, costing nearly \$2 trillion annually.<sup>19</sup> Numerous scholarly studies have concluded that **the average cost of child maltreatment is approximately \$830,928 per victim.**<sup>20</sup> OSEAC and the spread of CSAM is a serious and costly public health problem across our country, and we must work together as a community to create laws and policies that keep children safe.

**California does not escape these consequences.** In 2012, Audrie Pott was sexually assaulted and, afterwards, sexually explicit photos of her were distributed online. Audrie committed suicide

eight days later, at the age of fifteen.<sup>21</sup> S.B. 435 will help ensure that other children in California will not suffer the same tragic consequences as Audrie.

We commend you for supporting this bill, which will indeed better protect California’s children from the trauma of OSEAC and the production and distribution of CSAM. Please do not hesitate to contact us if you have questions regarding online child sexual exploitation or if we can be of assistance in any way on other child protection issues.

Sincerely,



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<sup>1</sup> Professor Marci A. Hamilton is the Founder & CEO of CHILD USA, an interdisciplinary think tank dedicated to the prevention of child abuse and neglect at the University of Pennsylvania, where she is a Professor in the Fels Institute of Government and a Senior Resident Fellow in the Program for Research on Religion. She is also the author of *Justice Denied: What America Must Do to Protect Its Children* (Cambridge University Press 2008, 2012), which makes the case for statute of limitations (SOL) reform in the child sex abuse arena, and is the leading expert on the history and constitutionality of SOL reform. CHILD USA is the leading national nonprofit think tank dedicated to the prevention of child abuse and neglect. It is also the leader in the field of statute of limitations reform, as well as other cutting-edge issues related to child protection, like child marriage.

Kathryn Robb is the Executive Director of CHILD USA Advocacy, a 501(c)(4) advocacy organization dedicated to protecting children’s civil liberties and keeping children safe from abuse and neglect. CHILD USA Advocacy draws on the combined expertise of the nation’s leading experts and child advocates, specifically at its sister organization, CHILD USA, to advocate for more protective laws and policies in the States and at the federal level. Kathryn is also an outspoken survivor of child sex abuse.

<sup>2</sup> Michael H. Keller & Gabriel J.X. Dance, *The Internet is Overrun With Images of Child Sexual Abuse. What Went Wrong?*, N.Y. Times (Sept. 29, 2019), <https://www.nytimes.com/interactive/2019/09/28/us/child-sex-abuse.html>.

<sup>3</sup> ELIE BURSZTEIN ET AL., RETHINKING THE DETECTION OF CHILD SEXUAL ABUSE IMAGERY ON THE INTERNET 2601–7 (The International World Wide Web Conference 2019); Warren Binford et al., *Beyond Paroline: Ensuring Meaningful Remedies for Child Pornography Victims at Home and Abroad*, 35 CHILD. LEGAL RTS. J. 117, 117–62 (2015).

<sup>4</sup> Child grooming “can be described as a practice by means of which an adult ‘befriends’ a child (often online . . .) with the intention of sexually abusing her/him.” *Online child sexual exploitation and abuse*, U.N. OFF. OF DRUGS AND CRIME (Feb. 2020), <https://www.unodc.org/e4j/en/cybercrime/module-12/key-issues/online-child-sexual-exploitation-and-abuse.html>.

<sup>5</sup> *Id.*

<sup>6</sup> U.S. SENT’G COMM’N, FEDERAL SENTENCING OF CHILD PORNOGRAPHY: PRODUCTION OFFENSES 3 (2021), [https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2021/20211013\\_Production-CP.pdf](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2021/20211013_Production-CP.pdf).

- <sup>7</sup> NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN, <https://www.missingkids.org/gethelpnow/cybertipline> (last visited Jan. 4, 2022).
- <sup>8</sup> EUR. PARLIAMENTARY RSCH. SERV., CURBING THE SURGE IN ONLINE CHILD ABUSE: THE DUAL ROLE OF DIGITAL TECHNOLOGY IN FIGHTING AND FACILITATING ITS PROLIFERATION 2 (Nov. 2020), [https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/659360/EPRS\\_BRI\(2020\)659360\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/659360/EPRS_BRI(2020)659360_EN.pdf).
- <sup>9</sup> *Child sexual abuse images on the internet: A Cybertip.ca analysis*, CANADIAN CENTRE FOR CHILD PROTECTION, <https://www.protectchildren.ca/en/resources-research/child-sexual-abuse-images-report/> (last visited Jan. 4, 2022); MICHAEL C. SETO ET AL., PRODUCTION AND ACTIVE TRADING OF CHILD SEXUAL EXPLOITATION IMAGES DEPICTING IDENTIFIED VICTIMS (National Center for Missing & Exploited Children 2009), [https://www.missingkids.org/content/dam/missingkids/pdfs/nmccec-analysis/Production%20and%20Active%20Trading%20of%20CSAM\\_FullReport\\_FINAL.pdf](https://www.missingkids.org/content/dam/missingkids/pdfs/nmccec-analysis/Production%20and%20Active%20Trading%20of%20CSAM_FullReport_FINAL.pdf).
- <sup>10</sup> FIN. CRIMES ENF'T NETWORK, FINCEN CALLS ATTENTION TO ONLINE CHILD SEXUAL EXPLOITATION CRIMES (2021), <https://www.fincen.gov/sites/default/files/shared/FinCEN%20OCSE%20Notice%20508C.pdf>.
- <sup>11</sup> G. Moody, et al., *Establishing the international prevalence of self-reported child maltreatment: a systematic review by maltreatment type and gender*, 18 BMC PUBLIC HEALTH (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6180456/> (finding a 20.4% prevalence rate of child sexual abuse among North American girls); M. Stoltenborgh, et al., *A Global Perspective on Child Sexual Abuse: Meta-Analysis of Prevalence Around the World*, 16 CHILD MALTREATMENT 79 (2011) (finding a 20.1% prevalence rate of child sexual abuse among North American girls); N. Pereda, et al., *The prevalence of child sexual abuse in community and student samples: A meta-analysis*, 29 CLINICAL PSYCH. REV. 328, 334 (2009) (finding a 7.5% and 25.3% prevalence rate of child sexual abuse among North American boys and girls respectively).
- <sup>12</sup> B. A. van der Kolk, *The Body Keeps the Score: Memory & the Evolving Psychobiology of Posttraumatic Stress*, 1(5) HARVARD REV. OF PSYCHIATRY 253-65 (1994); Jim Hopper, *Why Can't Christine Blasey Ford Remember How She Got Home?*, SCIENTIFIC AMER. (Oct. 5, 2018), <https://blogs.scientificamerican.com/observations/why-cant-christine-blasey-ford-remember-how-she-got-home/>; see also Hoskell, L. & Randall, M., *The Impact of Trauma on Adult Sexual Assault Victims*, JUSTICE CANADA (2019), [https://www.justice.gc.ca/eng/rp-pr/jr/trauma/trauma\\_eng.pdf](https://www.justice.gc.ca/eng/rp-pr/jr/trauma/trauma_eng.pdf).
- <sup>12</sup> Angi Jacobs-Kayam & Rachel Lev-Weisel, *In Limbo: Time Perspective and Memory Deficit Among Female Survivors of Sexual Abuse*, FRONTIERS IN PSYCHOL. (April 24, 2019), <https://www.frontiersin.org/articles/10.3389/fpsyg.2019.00912/full>.
- <sup>13</sup> *Id.*; Dana Bolger, *Gender Violence Costs: Schools' Financial Obligations Under Title IX*, 125 YALE L. J. 2106, 2110 (2016); see, e.g., Felitti, et al., *Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults: The Adverse Childhood Experiences (ACE) Study*, 14(4) AM. J. PREVENTATIVE MED. 245 (1998); S.R. Dube et al., *Childhood Abuse, Household Dysfunction, and the Risk of Attempted Suicide Throughout the Life Span: Findings from the Adverse Childhood Experiences Study*, 286 JAMA 3089 (2001) (explaining that childhood trauma can lead to negative health outcomes).
- <sup>14</sup> CENTERS FOR DISEASE CONTROL & PREVENTION, THE ADVERSE CHILDHOOD EXPERIENCES (ACEs) STUDY (1997), <https://www.cdc.gov/violenceprevention/childabuseandneglect/acestudy/>.
- <sup>15</sup> M. Merricka, et. al, *Unpacking the Impact of Adverse Childhood Experiences on Adult Mental Health*, 69 J. CHILD ABUSE & NEGLECT 10–19 (2017).
- <sup>16</sup> See Sage Carson, *The Cost of Reporting: Perpetrator Retaliation, Institutional Betrayal, and Student Survivor Pushout*, KNOW YOUR IX (May 14, 2020), <https://www.knowyourix.org/wp-content/uploads/2021/03/KnowYour-IX-2021-Report-Final-Copy.pdf>.
- <sup>17</sup> *Id.*
- <sup>18</sup> *Id.*
- <sup>19</sup> Xiangming Fang, et. al., *The Economic Burden of Child Maltreatment in the United States & Implications for Prevention*, 36 J. CHILD ABUSE & NEGLECT 156–165 (2012).
- <sup>20</sup> See generally, *Fiscal Impact of SOL Reform*, CHILD USA (2018), <https://www.childusa.org/fiscalimpact>.
- <sup>21</sup> BAY CITY NEWS, *Bill introduced to end online sex trafficking, exploitation*, KRON4 (Feb. 16, 2021), <https://www.kron4.com/news/bay-area/bill-introduced-to-end-online-sex-trafficking-exploitation/>.