

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1887 – HB 2590

February 9, 2024

SUMMARY OF BILL: Expands the offense of harassment to include bullying and cyber-bullying.

Defines bullying as an act that substantially interferes with a student's educational benefits, opportunities, or performance, and: (1) if the act takes place on school grounds, at any school-sponsored activity, on school-provided equipment or transportation or at any official school bus stop, the act has the effect of: (A) physically harming a student or damaging a student's property; (B) knowingly placing a student or students in reasonable fear of physical harm to the student or damage to the student's property; (C) causing emotional distress to a student or students; or (D) creating a hostile educational environment; or (2) if the act takes place off school property or outside of a school-sponsored activity, it is directed specifically at a student or students and has the effect of creating a hostile educational environment or otherwise creating a substantial disruption to the education environment or learning process.

Requires a law enforcement officer who has knowledge that a minor is the victim of an incident of bullying or cyber-bullying to make an official report of the incident and provide the minor's parent, legal guardian, or legal custodian with notice of the bullying or cyber-bullying and instructions concerning how to obtain a copy of the report.

FISCAL IMPACT:

Increase Local Expenditures – \$13,500/FY24-25 and Subsequent Years*

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-17-308(c), harassment is a Class A misdemeanor. The penalty is enhanced to a Class E felony if a person convicted of a criminal offense intentionally communicates in person with the victim of the person's crime while incarcerated, on pretrial diversion, probation, community correction or parole and the communication is: (1) anonymous or threatening or made in an offensively repetitious manner or at hours known to be inconvenient to the victim; (2) made for no legitimate purpose; and (3) made knowing that it will alarm or annoy the victim.
- Based upon information provided by the Department of Correction (DOC), there has been an average of 0.5 admissions per year over the last 10 years for the Class E felony offense under Tenn. Code Ann. § 39-17-308 for harassment.

- There will not be a sufficient change in the number of felony prosecutions for state or local government to experience any significant change in revenue or expenditures.
- Based on information provided by the Administrative Office of the Courts and the DOC Jail Summary Reports, there have been an average of 304.57 Class A misdemeanor convictions of harassment in each of the last five years.
- According to the National Center for Education Statistics National Crime Victimization Survey 2019 report *Student Reports of Bullying*, 22.2 percent of students ages 12 through 18 reported being bullied at school during the 2018-19 school year.
- The report defines bullied as:
 - Made fun of, called names, or insulted;
 - Spread rumors;
 - Private information or photos shared in a hurtful way;
 - Threatened with harm;
 - Pushed, shoved, tripped, or spit on
 - Tried to make do things they did not want to do;
 - Excluded from activities on purpose; or
 - Property destroyed on purpose.
- According to the Pew Research Center study, *Teens and Cyberbullying*, conducted in 2022, among teens ages 13 to 17:
 - 32 percent say they have been called an offensive name online or on their cellphone;
 - 22 percent say they have had false rumors spread about them online; and
 - 10 percent say they have been physically threatened.
- It can be reasonably assumed the proposed legislation will result in an increase of five percent or 15.23 (304.57 x 5.0%) Class A misdemeanor convictions of bullying or cyber-bullying.
- It is assumed that an individual convicted of a Class A misdemeanor offense will spend an average of 15 days in a local jail.
- Based on cost estimates provided by local government entities throughout the state and reported bed capacity within such facilities, the weighted average cost per day to house an inmate in a local jail facility is \$59.07.
- The recurring mandatory increase in expenditures to local governments is estimated to be \$13,495 (15.23 convictions x \$59.07 x 15) in FY24-25 and subsequent years.
- Based on information provided by the Department of Children’s Services (DCS), passage of the proposed legislation will not increase the number of children entering DCS custody.
- Law enforcement officers who have knowledge that a minor is the victim of an incident of bullying or cyber-bullying will make an official report of the incident utilizing existing resources.
- Based on information provided by the Administrative Office of the Court, any impact to the Indigent Defense Fund can be accommodated within existing resources.
- Based on the Fiscal Review Committee’s 2008 study and the Administrative Office of the Courts’ 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly change state or local revenue.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/vh