



February 28, 2024

**SUMMARY OF BILL AS AMENDED (014523):** Expands the offense of harassment to include bullying and cyber-bullying. Defines bullying as an act committed by a student that substantially interferes with another 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 the other student or damaging the other student's property; or (B) knowingly placing the other student or students in reasonable fear of physical harm to the other student or damage to the student's property; or (2) if the act takes place off school property or outside of a school-sponsored activity, it is directed specifically at another student or students and has the effect of creating a substantial disruption to the education environment or learning process.

Designates the offense of cyberbullying committed by a minor as a delinquent act punished as provided in Tennessee Code Annotated § 37-1-131.

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. Establishes that incidents reported to the Department of Safety through the SafeTN application or a successor application do not apply.

**FISCAL IMPACT OF BILL AS AMENDED:**

**NOT SIGNIFICANT**

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 39-17-308(c), harassment is a Class A misdemeanor.
- Based on information provided by the Administrative Office of the Courts and the Department of Correction (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%) minors found to be a delinquent child as a result of bullying or cyber-bullying.
- Pursuant to Tenn. Code Ann. § 37-1-131, if a child is found to be delinquent, a juvenile court is authorized to impose any of the following orders of disposition best suited to the child's treatment, rehabilitation and welfare, including:
  - Transfer of temporary legal custody or granting of permanent guardianship to any relative or other individual with a relationship with the child who is found by the court to be qualified to receive and care for the child;
  - Placing the child on probation under the supervision of the probation officer of the court or the Department of Children's Services (DCS);
  - Committing the child to the DCS, which commitment shall not extend past the child's 19<sup>th</sup> birthday; or
  - Transfer of the child to adult court to stand trial as an adult, if certain criteria is met.
- Based on information provided by the DCS, minors convicted of the Class A misdemeanor offense of bullying or cyberbullying are reasonably assumed to receive probation, either through DCS or the court system. 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.

**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

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