



JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION
Fiscal Impact Review
2011 Session

Bill Number: HB 1576

Review Requested By: Delegate Albo

JLARC Staff Fiscal Estimates

JLARC staff does not concur with the fiscal impact statement on HB 1576, dealing with bullying. Simple assault or assault and battery are currently punishable as Class 1 misdemeanors under *Code of Virginia §18.2-57*. It would thus appear that most if not all bullying charges that constitute unlawful criminal conduct, as defined by the bill, may be treated as Class 1 misdemeanors under existing law. Consequently, there would appear to be little basis for assuming, as does the fiscal impact statement, that an additional 1,373 incidents (25% of the 5,493 bullying incidents in the schools reported by the Department of Education) would come before the Department of Juvenile Justice's (DJJ) court services units.

The JLARC staff assessment is that the actual number of additional cases initiated as a result of HB 1576 would be minimal and would not require any additional staff at DJJ. Therefore, the fiscal impact would be minimal as well.

An explanation of the JLARC staff review is included on the following pages.

Authorized for Release:


Glen S. Tittermary
Director

Bill Summary: HB 1576 defines “bullying” to mean recklessly or intentionally endangering the health or safety of a student by exposing the student repeatedly over time to physical aggression or intimidation resulting in bodily injury or other harm to person or property. This definition would apply whether direct physical contact is used or through the use of information or communication technology. The bill also states that this definition does not supersede or limit any definition of bullying used in guidelines for codes of student conduct developed by the Board of Education, or in the actual codes of student conduct adopted by school boards pursuant to *Code of Virginia §22.1-279.6*.

Discussion of Fiscal Implications: The fiscal impact statement shows a fiscal impact of \$74,976 per year for this bill. This is based on: 1) data from the Department of Education (DOE) showing 5,493 bullying incidents reported in schools across the Commonwealth during the 2009-2010 school year, 2) the assumption by the Department of Juvenile Justice (DJJ) that in 25 percent or 1,373 of these incidents, the offender would be brought into DJJ’s court services units, resulting in a petition initiating court action in the juvenile and domestic relations courts, and 3) conversion of this additional workload into court services unit staff positions.

HB 1576 says that the definition used by DOE is not the same as the definition used in the bill, so the DOE numbers are not necessarily helpful in estimating the bill’s fiscal impact. The bill also applies to bullying by students in colleges, which are not under the purview of DOE.

HB 1576 requires bodily injury to constitute a Class 1 misdemeanor, punishable by up to 12 months in jail and/or a fine of up to \$2,500. Simple assault or assault and battery is currently punishable as a Class 1 misdemeanor under *Code of Virginia §18.2-57*. It would thus appear that most if not all bullying charges that constitute unlawful criminal conduct, as defined by the bill, may be treated as Class 1 misdemeanors under existing law. Consequently, there would appear to be little basis for assuming, as does the fiscal impact statement, that 1,373 incidents (25% of the 5,493 bullying incidents in the schools reported by DOE) would come before DJJ’s court services units.

The fiscal impact statement acknowledges “it is impossible to know how many of these cases would result in the filing of a petition.”

Consequently, the JLARC staff assessment is that the actual number of additional cases initiated as a result of HB 1576 would be minimal and would not require any additional staff at DJJ. Thus, the fiscal impact would be minimal as well.

Budget Amendment Necessary: No

Agencies Affected: Department of Juvenile Justice, Juvenile and Domestic Relations Courts, Commonwealth’s Attorneys.

Date Released, Prepared By: 01/31/2011; Hal Greer, Walt Smiley.