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S.B. 144
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Williams

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SUMMARY

- Creates the offense of aggravated bullying, a third degree misdemeanor.
- Requires a tiered disciplinary procedure for harassment, intimidation, or bullying in school.
- Requires annual student instruction about preventing harassment, intimidation, or bullying in school.

DETAILED ANALYSIS

Aggravated bullying

Under the bill, a student of a public primary or secondary school is guilty of aggravated bullying if the student does either of the following:

1. Knowingly causes serious emotional harm to another person who is a student of that school.¹
2. Knowingly causes another student of a public primary or secondary school to believe that the offender will cause serious emotional harm to the other student or serious physical harm to the other student, the other student's property, the other student's unborn, or a member of the other student's immediate family. In addition to any other basis for the other student's belief that the offender will cause serious emotional harm to the other student or serious physical harm to the person or property of the other student, the other student's unborn, or a member of the other student's immediate family, the other student's belief may be based on words or conduct of the offender

¹ R.C. 2903.23(B).

that are directed at or identify a corporation, association, or other organization that employs the other student or to which the other student belongs.²

Aggravated bullying, a third degree misdemeanor, is punishable by a jail term of up to 60 days and a fine of up to \$500.³

Juvenile adjudication

Under continuing law, unchanged by the bill, juveniles are not charged with felonies and misdemeanors in the same fashion as adults. Instead, if a child violates a criminal prohibition that is not a traffic offense and charges are filed against the child, the charges will allege that the child is a delinquent child and will be heard in juvenile court under the Delinquent Child Law.⁴ A juvenile court making a disposition of a child who has been adjudicated a delinquent child generally has discretion to make any disposition or a combination of dispositions provided in the Delinquent Child Law. Dispositions for an offense that would be a third degree misdemeanor if committed by an adult include:⁵

- Commitment to a specified type of public or private facility;
- Placement in a detention home for up to 90 days;
- Commitment to a period of community control, with sanctions or conditions that the court prescribes, such as probation supervision, day reporting, house arrest, and community service of up to 200 hours;
- Commitment to the custody of the court;
- Imposition of a fine of up to \$150 or another financial sanction; or
- Any further disposition that the court finds proper, except that the child may not be placed in a place in which an adult convicted of a crime, under arrest, or charged with a crime is held.

Harassment, intimidation, and bullying policy

Disciplinary procedure

Current law requires that each school district, community school, and STEM school establish a policy prohibiting harassment, intimidation, or bullying. Part of that policy is a

² R.C. 2903.23(A).

³ R.C. 2903.23(C) and R.C. 2929.24 and 2929.28, not in the bill.

⁴ R.C. 2152.021, not in the bill.

⁵ R.C. 2152.19 and 2152.20, not in the bill.

disciplinary procedure.⁶ The bill requires that the disciplinary procedure include a tiered series of consequences for violating that policy. The consequences are as follows:

1. For the first violation, a warning;
2. Second violation, peer mediation. Each school district or school must establish a diverse peer mediation team in each school building to provide for this purpose.
3. Third violation, a parent meeting;
4. Fourth violation, in-school suspension;
5. Fifth violation, out-of-school suspension;
6. Sixth violation, referral to the appropriate prosecuting attorney for consideration for prosecution of the matter as aggravated bullying (described above).⁷

Harassment, intimidation, and bullying prevention instruction

The bill requires that each school district, community school, or STEM school to provide age-appropriate instruction to all enrolled students about the prevention of harassment, intimidation, and bullying in school and about the district's or school's policy. This includes a written or verbal discussion of the consequences for violating the policy. Under current law, this instruction is limited to information about the policy and is contingent upon funding provided by the state or federal government for this purpose. The bill removes that contingency and requires districts and schools to provide the instruction (including information about prevention) regardless of funding.⁸

HISTORY

Action	Date
Introduced	05-07-19

S0144-I-133/ec

⁶ R.C. 3313.666. The provisions in R.C. 3313.666 apply to community schools and STEM schools through references in separate statutes that are not affected by the bill (see R.C. 3314.03(A)(11)(d) and 3326.11, neither in the bill).

⁷ R.C. 3313.666(B)(9).

⁸ R.C. 3313.666(D)(1).