

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1913 - HB 2289

March 15, 2022

SUMMARY OF BILL: Authorizes an employee of a local education agency (LEA) to file a cause of action to recover damages against a student of the LEA who knowingly publishes, on social media or otherwise, a false and defamatory statement concerning the employee. Authorizes the employee to recover damages from the student's parents in an amount exceeding \$10,000.

Requires the State Board of Education (SBE) and each LEA to adopt policies and disciplinary provisions for violations of the policies adopted regarding student use of personal technology, including audio recording, taking unwanted photographs, or videotaping.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Tenn. Code Ann. § 37-10-101, any person entitled to recover damages cannot receive an amount exceeding \$10,000 from parents or guardians of the minor who committed such violations. This legislation would allow for recovery damages exceeding \$10,000.
- Any cause of action against a student who knowingly publishes a false and defamatory statement against an employee would be between private parties.
- The courts will not experience a significant increase in caseloads; therefore, any impact to the court system is estimated to be not significant.
- Individuals', including minors', use of personal technology, including audio recording, taking unwanted photographs, or videotaping are covered under the U.S. Constitution First Amendment rights within certain limitations.
- It is assumed that the SBE and each LEA would not adopt any policies infringing on First Amendment rights.
- Adopting such policies will not result in a significant impact to state or local government.

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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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