

HOUSE BILL 67

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2001 Regular Session
(11r0472)

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by ~~Delegate Dembrow~~ Delegates Dembrow and Cryor

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER 637

1 AN ACT concerning

2 **Juvenile Law - Prohibition Against Possession of Portable Pagers on School**
3 **Property - Repeal**

4 FOR the purpose of repealing a prohibition against the possession of portable pagers
5 on public school property, except as the prohibition applies in Baltimore County,
6 except as the prohibition applies in certain counties, except as the prohibition
7 applies in Baltimore City; and declaring the intent of the General Assembly.

8 BY repealing and reenacting, with amendments,
9 Article - Education
10 Section 26-104
11 Annotated Code of Maryland
12 (1999 Replacement Volume and 2000 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Education**

2 §26-104.

3 (a) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY. THIS SECTION
 4 APPLIES ONLY IN CAROLINE, DORCHESTER, SOMERSET, TALBOT, WICOMICO, AND
 5 WORCESTER COUNTIES. THIS SECTION APPLIES ONLY IN BALTIMORE CITY.

6 (B) (1) In this section the following words have the meanings indicated.

7 (2) "Portable pager" means any device carried, worn, or transported by
 8 an individual to receive or communicate messages.

9 (3) "Public school property" means the grounds of any public school.

10 ~~(b)~~ (C) Except as provided in subsection ~~(e)~~ (D) of this section, an individual
 11 may not possess a portable pager on public school property.

12 ~~(e)~~ (D) This section does not apply to:

13 (1) Handicapped students using portable pagers for medical reasons;

14 (2) Law enforcement officers;

15 (3) Visitors on public school property for an authorized program,
 16 meeting, or function;

17 (4) Faculty or staff members employed by a county board;

18 (5) Members of any volunteer fire department, ambulance company, or
 19 rescue squad, who are designated to possess a portable pager on public school
 20 property by the chief of the volunteer fire department, ambulance company, or rescue
 21 squad, and the school principal; and

22 (6) Students whose portable pagers are contained in vehicles that are on
 23 public school property and are not found to be connected with criminal activity.

24 ~~(d)~~ (E) If an individual violates subsection ~~(b)~~ (C) of this section, the school
 25 authorities:

26 (1) On a first offense, may contact a law enforcement officer; and

27 (2) On a second or subsequent offense, shall immediately contact a law
 28 enforcement officer.

29 ~~(e)~~ (F) A law enforcement officer contacted by school authorities in
 30 accordance with subsection ~~(d)~~ (E) of this section:

31 (1) Shall immediately inquire as to the reasons the individual possesses
 32 the pager; and

1 (2) May arrest the violator.

2 ~~(F)~~ (G) Any person who violates subsection ~~(b)~~ (C) of this section is guilty of a
3 misdemeanor and on conviction is subject to a fine not exceeding \$2,500,
4 imprisonment not exceeding 6 months, or both.}

5 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
6 General Assembly that local education agencies, working with the State Department
7 of Education, develop their own local policies regarding the use of portable pagers and
8 cellular telephones on public school property during school hours and, in enacting
9 Section 1 of this Act, it is not the intent of the General Assembly to encourage the use
10 of portable pagers and cellular telephones on public school property during school
11 hours.

12 ~~SECTION 2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
13 effect October 1, 2001.