

SENATE BILL 466

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F3

2003 Regular Session  
(31r0643)

**ENROLLED BILL**

-- Education, Health, and Environmental Affairs/Judiciary --

Introduced by **Senator Colburn**

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.

\_\_\_\_\_  
President.

CHAPTER 251

1 AN ACT concerning

2 ~~Caroline, Dorchester, and Talbot Counties -- Public Schools -- Use of Portable~~  
3 ~~Phones~~  
4 ~~Juvenile Law - Prohibition Against Possession of Portable Pagers on School~~  
5 ~~Property - Repeal Applicability Repeal~~

6 FOR the purpose of ~~establishing that altering~~ *repealing* the prohibition against a  
7 ~~person~~ possessing a portable pager on public school property ~~does not apply in~~  
8 ~~Caroline, Dorchester, and Talbot counties to certain persons for certain portable~~  
9 ~~phones; providing that in Caroline, Dorchester, and Talbot counties, a student~~  
10 ~~may possess or use a portable phone on public school property, subject to certain~~  
11 ~~conditions; defining a certain term to limit its applicability to Baltimore City;~~  
12 ~~declaring the intent of the General Assembly;~~ and generally relating to the  
13 possession and use of portable phones on public school property ~~in Caroline,~~  
14 ~~Dorchester, and Talbot counties.~~

15 BY repealing ~~and reenacting, with amendments,~~  
16 Article - Education

1 Section 26-104  
 2 Annotated Code of Maryland  
 3 (2001 Replacement Volume and 2002 Supplement)

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

6 **Article - Education**

7 ~~26-104.~~

8 (a) ~~[This] EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THIS~~  
 9 ~~section applies only in Baltimore City and [Caroline, Dorchester,] Somerset,~~  
 10 ~~[Talbot,] Wicomico, and Worcester counties.~~

11 (b) (1) ~~In this section the following words have the meanings indicated.~~

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

14 (3) ~~"PORTABLE PHONE" MEANS A WIRELESS TELEPHONE USED FOR~~  
 15 ~~COMMUNICATION.~~

16 (4) ~~(3) "Public school property" means the grounds of any public school.~~

17 (e) ~~Except as provided in [subsection] SUBSECTIONS (d) AND (E) of this~~  
 18 ~~section, an individual may not possess a portable pager on public school property.~~

19 ~~(D) (1) THIS SUBSECTION APPLIES ONLY IN CAROLINE, DORCHESTER, AND~~  
 20 ~~TALBOT COUNTIES.~~

21 ~~(2) IN ACCORDANCE WITH THE POLICY OF THE COUNTY BOARD, A~~  
 22 ~~STUDENT MAY:~~

23 ~~(I) POSSESS A PORTABLE PHONE ON PUBLIC SCHOOL PROPERTY;~~  
 24 ~~OR~~

25 ~~(II) USE A PORTABLE PHONE ON PUBLIC SCHOOL PROPERTY~~  
 26 ~~BEFORE OR AFTER SCHOOL HOURS.~~

27 ~~[(d)] (E) This section does not apply to:~~

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

29 ~~(2) Law enforcement officers;~~

30 ~~(3) Visitors on public school property for an authorized program,~~  
 31 ~~meeting, or function;~~

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

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

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

7     ~~[(e)]~~   (F)     If an individual violates subsection (c) OR (D) of this section, the  
8 school authorities:

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

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

12     ~~[(f)]~~   (G)     A law enforcement officer contacted by school authorities in  
13 accordance with subsection ~~[(e)]~~ (F) of this section:

14          (1)     Shall immediately inquire as to the reasons the individual possesses  
15 the pager; and

16          (2)     May arrest the violator.

17     ~~[(g)]~~   (H)     Any person who violates subsection (c) OR (D) of this section is  
18 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$2,500,  
19 imprisonment not exceeding 6 months, or both.

20     SECTION 2. AND BE IT FURTHER ENACTED, That, ~~except as provided in §~~  
21 ~~26-104 of the Education Article, as enacted by Section 1 of this Act, it is the intent of~~  
22 ~~the General Assembly that local education agencies, working with the State~~  
23 ~~Department of Education, develop their own local policies regarding the use of~~  
24 ~~portable pagers and cellular telephones on public school property and, in enacting~~  
25 ~~Section 1 of this Act, it is not the intent of the General Assembly to encourage the use~~  
26 ~~of portable pagers and cellular telephones on public school property during school~~  
27 ~~hours in any county.~~

28     SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take  
29 effect October 1, 2003.