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**By: St. Mary's County Delegation**

Introduced and read first time: January 31, 1997

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public School Property - Possession of Portable Pager**

3 FOR the purpose of providing an exception to the provision of law prohibiting possession  
4 of a portable pager on public school property; specifying that a pager contained in  
5 a vehicle, under certain circumstances, is not a violation of the law; and specifying  
6 that students under a certain age who violate the prohibition against possessing a  
7 portable pager on public school property shall be referred to their respective county  
8 board for disciplinary action.

9 BY repealing and reenacting, with amendments,  
10 Article - Education  
11 Section 26-104  
12 Annotated Code of Maryland  
13 (1997 Replacement Volume)

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

16 **Article - Education**

17 26-104.

18 (a) (1) In this section the following words have the meanings indicated.

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

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

22 (b) Except as provided in subsection (c) of this section, an individual may not  
23 possess a portable pager on public school property.

24 (c) This section does not apply to:

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

26 (2) Law enforcement officers;

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

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1 (4) Faculty or staff members employed by a county board; [and]

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

6 (6) STUDENTS WHOSE PORTABLE PAGERS ARE CONTAINED IN  
7 VEHICLES THAT ARE LAWFULLY ON PUBLIC SCHOOL PROPERTY AND ARE NOT  
8 FOUND TO BE CONNECTED WITH CRIMINAL ACTIVITY.

9 (d) If an individual violates subsection (b) of this section, the school authorities  
10 shall immediately contact a law enforcement officer, UNLESS THE STUDENT IS UNDER  
11 AGE 7, IN WHICH CASE THE COUNTY BOARD SHALL RETAIN ABSOLUTE  
12 DISCIPLINARY AUTHORITY.

13 (e) A law enforcement officer contacted by school authorities in accordance with  
14 subsection (d) of this section:

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

17 (2) May arrest the violator.

18 (f) Any person who violates subsection (b) of this section is guilty of a  
19 misdemeanor and on conviction is subject to a fine not exceeding \$2,500, imprisonment  
20 not exceeding 6 months, or both.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 July 1, 1997.