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

Introduced and read first time: January 31, 1997

Assigned to: Ways and Means

Reassigned: Judiciary, February 4, 1997

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 1997

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## CHAPTER \_\_\_\_\_

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~~ generally relating to possession of portable pagers on  
 9 public school property.

10 BY repealing and reenacting, without amendments,11 Article - Education12 Section 26-104(a) and (b)13 Annotated Code of Maryland14 (1997 Replacement Volume)

15 BY repealing and reenacting, with amendments,

16 Article - Education

17 Section ~~26-104~~ 26-104(c)

18 Annotated Code of Maryland

19 (1997 Replacement Volume)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

21 MARYLAND, That the Laws of Maryland read as follows:

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1           **Article - Education**

2 26-104.

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

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

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

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

9           (c) This section does not apply to:

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

11                   (2) Law enforcement officers;

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

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

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

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

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

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

28                   ~~(1) Shall immediately inquire as to the reasons the individual possesses the~~  
29 ~~pager; and~~

30                   ~~(2) May arrest the violator.~~

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

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

