
By: Charles County Delegation

Introduced and read first time: February 21, 1997

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Public Schools - Authorizing Cellular Telephones**

3 FOR the purpose of authorizing a student who uses a motor vehicle for transportation to
4 and from school to possess a cellular telephone kept inside the motor vehicle to
5 facilitate communication between the student and the student's parent or guardian
6 when arriving or leaving the school; allowing a principal of a public school, or the
7 principal's designee, to grant permission to a student to possess a cellular telephone
8 on school property under certain other circumstances; prescribing certain penalties
9 for violation of this Act; defining a term; and generally relating to authorizing
10 certain students to possess cellular telephones under certain circumstances.

11 BY adding to

12 Article - Education

13 Section 26-104.1

14 Annotated Code of Maryland

15 (1997 Replacement Volume)

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

18 **Article - Education**

19 26-104.1.

20 (A) IN THIS SECTION, "CELLULAR TELEPHONE" MEANS ANY MOBILE
21 TELEPHONE CAPABLE OF TRANSMITTING AND RECEIVING VOICE MESSAGES.

22 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A STUDENT WHO IS
23 ENROLLED AT A PUBLIC SCHOOL AND USES A MOTOR VEHICLE FOR
24 TRANSPORTATION TO AND FROM THE SCHOOL MAY POSSESS A CELLULAR
25 TELEPHONE KEPT INSIDE THE MOTOR VEHICLE FOR THE PURPOSE OF
26 FACILITATING COMMUNICATION BETWEEN THE STUDENT AND THE STUDENT'S
27 PARENT OR GUARDIAN FROM THE MOTOR VEHICLE WHEN ARRIVING OR LEAVING
28 THE SCHOOL.

29 (C) THE PRINCIPAL OF THE PUBLIC SCHOOL, OR THE PRINCIPAL'S DESIGNEE,
30 MAY GRANT PERMISSION TO A STUDENT TO USE A CELLULAR TELEPHONE ON THE

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1 SCHOOL PROPERTY AT TIMES OR UNDER CIRCUMSTANCES OTHER THAN THOSE
2 SPECIFIED IN SUBSECTION (B) OF THIS SECTION.

3 (D) IF AN INDIVIDUAL VIOLATES SUBSECTIONS (B) OR (C) OF THIS SECTION
4 BY USING A CELLULAR TELEPHONE IN A MANNER OTHER THAN AUTHORIZED BY
5 THIS SECTION, THE SCHOOL AUTHORITIES SHALL IMMEDIATELY CONTACT A LAW
6 ENFORCEMENT OFFICER.

7 (E) A LAW ENFORCEMENT OFFICER CONTACTED BY SCHOOL AUTHORITIES
8 IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION:

9 (1) SHALL IMMEDIATELY INQUIRE AS TO THE REASONS THE
10 INDIVIDUAL POSSESSES THE CELLULAR TELEPHONE; AND

11 (2) MAY ARREST THE VIOLATOR.

12 (F) ANY PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
13 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$2,500
14 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

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