
By: **Delegate Cryor**

Introduced and read first time: January 25, 2000

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Public Schools - Use of Portable Phones**

3 FOR the purpose of establishing that the prohibition against a person possessing a
4 portable pager on public school property does not apply to certain persons for
5 certain portable pagers; creating certain exceptions to the application of this Act
6 by authorizing or requiring certain persons to prohibit a certain person from
7 using and possessing certain portable pagers on public school property under
8 certain circumstances; defining a certain term; and generally relating to the
9 possession of portable pagers on public school property.

10 BY repealing and reenacting, with amendments,

11 Article - Education

12 Section 26-104

13 Annotated Code of Maryland

14 (1999 Replacement Volume)

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

17 **Article - Education**

18 26-104.

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

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

22 (3) "PORTABLE PHONE" MEANS A WIRELESS TELEPHONE USED ONLY
23 FOR ORAL COMMUNICATION.

24 (4) "Public school property" means the grounds of any public school.

25 (b) Except as provided in subsection (c) of this section, AND SUBJECT TO
26 SUBSECTION (D) OF THIS SECTION, an individual may not possess a portable pager on
27 public school property.

1 (c) This section does not apply to:

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

3 (2) Law enforcement officers;

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

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

7 (5) Members of any volunteer fire department, ambulance company, or
8 rescue squad, who are designated to possess a portable pager on public school
9 property by the chief of the volunteer fire department, ambulance company, or rescue
10 squad, and the school principal; [and]

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

13 (7) A STUDENT:

14 (I) POSSESSING A PORTABLE PHONE ON PUBLIC SCHOOL
15 PROPERTY; OR

16 (II) USING A PORTABLE PHONE ON PUBLIC SCHOOL
17 PROPERTY AFTER SCHOOL HOURS.

18 (D) THE SCHOOL AUTHORITIES:

19 (1) MAY PROHIBIT A STUDENT FROM USING OR POSSESSING A
20 PORTABLE PHONE ON PUBLIC SCHOOL PROPERTY IF THE USE OR POSSESSION OF
21 THE PORTABLE PHONE DISRUPTS SCHOOL FUNCTIONS;

22 (2) SHALL PROHIBIT A STUDENT FROM USING OR POSSESSING A
23 PORTABLE PHONE ON PUBLIC SCHOOL PROPERTY IF THE PORTABLE PHONE IS
24 FOUND TO BE CONNECTED WITH CRIMINAL ACTIVITY; AND

25 (3) SHALL PROHIBIT A STUDENT FROM USING OR POSSESSING A
26 PORTABLE PHONE ON PUBLIC SCHOOL PROPERTY IF THE STUDENT HAS BEEN
27 ARRESTED FOR A REPORTABLE OFFENSE, AS DEFINED IN § 7-303(A)(5) OF THIS
28 ARTICLE.

29 [(d)] (E) If an individual violates subsection (b) of this section, the school
30 authorities:

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

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

1 [(e)] (F) A law enforcement officer contacted by school authorities in
2 accordance with subsection (d) of this section:

3 (1) Shall immediately inquire as to the reasons the individual possesses
4 the pager; and

5 (2) May arrest the violator.

6 [(f)] (G) Any person who violates subsection (b) of this section OR ANY
7 PERSON WHO VIOLATES A PROHIBITION ESTABLISHED UNDER SUBSECTION (D) OF
8 THIS SECTION is guilty of a misdemeanor and on conviction is subject to a fine not
9 exceeding \$2,500, imprisonment not exceeding 6 months, or both.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 July 1, 2000.