
By: **Montgomery County Delegation**
Introduced and read first time: February 9, 2001
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - Public Schools - Use of Portable Phones**
3 **MC 102-01**

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

12 BY repealing and reenacting, with amendments,
13 Article - Education
14 Section 26-104
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2000 Supplement)

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

19 **Article - Education**

20 26-104.

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

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

24 (3) "PORTABLE PHONE" MEANS A WIRELESS TELEPHONE USED FOR
25 COMMUNICATION.

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

1 (b) Except as provided in [subsection (c)] SUBSECTIONS (C) AND (D) of this
2 section, an individual may not possess a portable pager on public school property.

3 (c) This section does not apply to:

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

5 (2) Law enforcement officers;

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

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

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

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

15 (D) (1) THIS SUBSECTION APPLIES ONLY IN MONTGOMERY COUNTY.

16 (2) A STUDENT MAY:

17 (I) POSSESS A PORTABLE PHONE ON PUBLIC SCHOOL PROPERTY;
18 OR

19 (II) USE A PORTABLE PHONE ON PUBLIC SCHOOL PROPERTY
20 BEFORE OR AFTER SCHOOL HOURS.

21 (3) THE COUNTY SUPERINTENDENT OR THE COUNTY
22 SUPERINTENDENT'S DESIGNEE:

23 (I) SHALL PROHIBIT A STUDENT FROM USING OR POSSESSING A
24 PORTABLE PHONE ON PUBLIC SCHOOL PROPERTY IF THE USE OR POSSESSION OF
25 THE PORTABLE PHONE DISRUPTS SCHOOL FUNCTIONS;

26 (II) SHALL PROHIBIT A STUDENT FROM USING OR POSSESSING A
27 PORTABLE PHONE ON PUBLIC SCHOOL PROPERTY IF THE PORTABLE PHONE IS
28 FOUND TO BE CONNECTED WITH CRIMINAL ACTIVITY; AND

29 (III) SHALL PROHIBIT A STUDENT FROM USING OR POSSESSING A
30 PORTABLE PHONE ON PUBLIC SCHOOL PROPERTY IF THE STUDENT HAS BEEN
31 ARRESTED FOR A REPORTABLE OFFENSE AS DEFINED IN § 7-303(A)(5) OF THIS
32 ARTICLE.

33 [(d)] (E) If an individual violates subsection (b) OR SUBSECTION (D) of this
34 section, the school authorities:

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

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

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

6 (1) Shall immediately inquire as to the reasons the individual possesses
7 the pager; and

8 (2) May arrest the violator.

9 [(f)] (G) Any person who violates subsection (b) OR SUBSECTION (D) of this
10 section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding
11 \$2,500, imprisonment not exceeding 6 months, or both.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 July 1, 2001.