

HOUSE BILL 1010

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E3

2002 Regular Session  
(2r2449)

*ENROLLED BILL*  
*-- Judiciary/Judicial Proceedings --*

Introduced by **Delegates Finifter, Dewberry, Hurson, Minnick, Morhaim,  
Murphy, Ports, Redmer, and ~~Zirkin~~ Zirkin, Kach, Klausmeier,  
Mohorovic, Pielke, DeCarlo, and Hubers**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Juvenile Law - Prohibition Against Possession of Portable Pagers on School**  
3 **Property - Repeal in Baltimore County**

4 FOR the purpose of repealing a prohibition against the possession of portable pagers  
5 on public school property in Baltimore County; declaring the intent of the  
6 General Assembly; and generally relating to the possession of portable pagers on  
7 public school property.

8 BY repealing and reenacting, with amendments,  
9 Article - Education  
10 Section 26-104  
11 Annotated Code of Maryland  
12 (2001 Replacement Volume)

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

3 **Article - Education**

4 26-104.

5 (a) [This section applies only in Baltimore County.] This section applies only  
6 in Caroline, Dorchester, Somerset, Talbot, Wicomico, and Worcester counties. This  
7 section applies only in Baltimore City.

8 (b) (1) In this section the following words have the meanings indicated.

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

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

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

14 (d) This section does not apply to:

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

16 (2) Law enforcement officers;

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

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

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

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

26 (e) If an individual violates subsection (c) of this section, the school  
27 authorities:

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

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

31 (f) A law enforcement officer contacted by school authorities in accordance  
32 with subsection (e) of this section:

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

3                   (2)     May arrest the violator.

4           (g)     Any person who violates subsection (c) of this section is guilty of a  
5 misdemeanor and on conviction is subject to a fine not exceeding \$2,500,  
6 imprisonment not exceeding 6 months, or both.

7     SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the  
8 General Assembly that the Baltimore County Board of Education, working with the  
9 State Department of Education, develop its own local policies regarding the use of  
10 portable pagers and cellular telephones on public school property during school hours  
11 and, in enacting Section 1 of this Act, it is not the intent of the General Assembly to  
12 encourage the use of portable pagers and cellular telephones on public school property  
13 during school hours.

14     SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
15 effect ~~October~~ July 1, 2002.