

---

By: **Delegates Finifter, Dewberry, Hurson, Minnick, Morhaim, Murphy,  
Ports, Redmer, and Zirkin**

Introduced and read first time: February 8, 2002

Assigned to: Ways and Means

---

A BILL ENTITLED

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)

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

15 **Article - Education**

16 26-104.

17 (a) [This section applies only in Baltimore County.] This section applies only  
18 in Caroline, Dorchester, Somerset, Talbot, Wicomico, and Worcester counties. This  
19 section applies only in Baltimore City.

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

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

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

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

1 (d) 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.

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

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

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

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

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

22 (2) May arrest the violator.

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

26 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the  
27 General Assembly that the Baltimore County Board of Education, working with the  
28 State Department of Education, develop its own local policies regarding the use of  
29 portable pagers and cellular telephones on public school property during school hours  
30 and, in enacting Section 1 of this Act, it is not the intent of the General Assembly to  
31 encourage the use of portable pagers and cellular telephones on public school property  
32 during school hours.

33 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
34 effect October 1, 2002.