
By: **Delegate Schisler**

Introduced and read first time: February 7, 2003

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of repealing a prohibition against the possession of portable pagers
5 on public school property; and declaring the intent of the General Assembly.

6 BY repealing
7 Article - Education
8 Section 26-104
9 Annotated Code of Maryland
10 (2001 Replacement Volume and 2002 Supplement)

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

13 **Article - Education**

14 [26-104.

15 (a) This section applies only in Baltimore City and Caroline, Dorchester,
16 Somerset, Talbot, Wicomico, and Worcester counties.

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

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

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

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

23 (d) This section does not apply to:

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

- 1 (2) Law enforcement officers;
- 2 (3) Visitors on public school property for an authorized program,
3 meeting, or function;
- 4 (4) Faculty or staff members employed by a county board;
- 5 (5) Members of any volunteer fire department, ambulance company, or
6 rescue squad, who are designated to possess a portable pager on public school
7 property by the chief of the volunteer fire department, ambulance company, or rescue
8 squad, and the school principal; and
- 9 (6) Students whose portable pagers are contained in vehicles that are on
10 public school property and are not found to be connected with criminal activity.

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

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

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

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

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

20 (2) May arrest the violator.

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

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

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2003.