

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 868

(Delegate Schisler)

Judiciary

Education, Health, and Environmental
Affairs

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

This bill repeals the prohibition on the possession of portable pagers on public school property in Baltimore City and Caroline, Dorchester, Somerset, Talbot, Wicomico, and Worcester counties. The bill declares that it is the intent of the General Assembly that local school systems work with the Maryland State Department of Education to develop their own policies regarding the use of portable pagers and cellular telephones on school property.

Fiscal Summary

State Effect: Any decrease in State law enforcement activities and District Court cases would not materially affect State finances.

Local Effect: Any decrease in local law enforcement activities and circuit court cases would not materially affect local finances. Local school systems could establish new rules for the possession of portable pagers on public school property with existing resources.

Small Business Effect: Minimal.

Analysis

Current Law: It is a crime for an individual to possess a portable pager on school property in Baltimore City and Caroline, Dorchester, Somerset, Talbot, Wicomico, and

Worcester counties. Persons convicted of this offense are guilty of a misdemeanor and may be fined up to \$2,500 or imprisoned for up to six months, or both. Specified individuals, including school staff and authorized visitors, are exempt from the prohibition.

The definition of portable pager in the statute encompasses other electronic devices that allow individuals to send and receive messages, such as cellular phones and palm pilots.

Background: Chapter 592 of 1989 (SB 590) made the possession of portable pagers on school property a crime. The dominant perception at the time linked portable pagers to drug trafficking, and the preamble to the bill stated that the intent of the legislation was to lessen the availability of drugs in public schools. The Maryland Association of Boards of Education and the Maryland State Department of Education testified in favor of the bill on the ground that it would reduce drug distribution in schools.

Almost 15 years later, pagers and cellular phones are commonly used for legitimate activities and are no longer perceived as items used only by drug dealers. Bills enacted over the last two years have legalized the possession of pagers at public schools in 17 counties. This bill would repeal the prohibition that still exists in seven school systems.

Local Fiscal Effect: Each local board of education has the authority to adopt rules for public schools within its jurisdiction. If the bill passes, carrying pagers on public school property would no longer be a violation of State law in any jurisdiction. However, the local boards of education in the seven counties affected by the legislation would be encouraged to adopt local restrictions on the possession and use of portable pagers on public school property. It is assumed that any new regulations could be drafted, adopted, and enforced with existing budgeted resources.

Additional Information

Prior Introductions: Similar bills that affected 17 of the State's 24 school systems have been introduced and enacted over the last two legislative sessions. HB 1010 of 2002 (Chapter 402) repealed the prohibition in Baltimore County schools, and HB 67 of 2001 (Chapter 637) repealed the prohibition in 16 county school systems.

Cross File: None.

Information Source(s): Maryland State Department of Education, Department of Legislative Services

Fiscal Note History: First Reader - March 4, 2003
mam/hlb

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