

# 1997 SESSION

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## HOUSE BILL NO. 2809

Offered January 20, 1997

A *BILL to amend and reenact § 18.2-322.1 of the Code of Virginia, relating to possession of portable communications devices.*

Patrons—Moore, Cunningham, Davies and Guest; Senators: Marsh and Stolle

Referred to Committee on Education

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-322.1 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-322.1. Possession of beeper or portable communications device in schools; penalty.

A. It shall be unlawful for any person in possession or control of a beeper, *cellular phone* or similar portable communications device to be upon the grounds of any public or private elementary, middle or secondary school. Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor.

B. Any such school may promulgate rules and regulations prohibiting the use of beepers, *cellular phones* and other such portable communications devices and establishing disciplinary procedures pursuant to § 22.1-277 to which pupils violating this section shall be subject.

C. Any beeper, *cellular phone* or similar portable communications device possessed or controlled in violation of subsection A shall be subject to seizure by school officials or law-enforcement officers and forfeiture in compliance with the procedures of Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2 which shall apply, *mutatis mutandis*, to this subsection.

D. This section shall not apply to any school official, teacher, security officer, support employee, rescue squad or volunteer fire department member, law-enforcement officer or any other person who may use or possess such devices in the performance of his duties in a legal volunteer activity, trade, or business or for medical necessity.

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