

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

As Engrossed: H2/23/99

# A Bill

HOUSE BILL 1656

5 By: Representative Wilkinson  
6 By: Senator Walters  
7  
8

## For An Act To Be Entitled

9  
10 "AN ACT TO AMEND ARKANSAS CODE 5-71-227 TO MAKE IT  
11 UNLAWFUL FOR STUDENTS TO USE CELLULAR TELEPHONES ON  
12 SCHOOL PROPERTY *DURING SCHOOL HOURS*; AND FOR OTHER  
13 PURPOSES. "  
14

### Subtitle

15  
16 "TO MAKE IT UNLAWFUL FOR STUDENTS TO USE  
17 CELLULAR TELEPHONES ON SCHOOL PROPERTY  
18 *DURING SCHOOL HOURS*. "  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code § 5-71-227 is amended to read as follows:

24 "5-71-227. Possession of cellular telephone, paging device, etc., by  
25 students.

26 (a) It shall be unlawful for an individual enrolled as a student in a  
27 public or private elementary or secondary school or for any individual  
28 eighteen (18) years of age or younger to possess a cellular telephone, an  
29 electronic paging device, beeper, or similar communications device while on  
30 property owned by a public or private elementary or secondary school, provided  
31 that the possession of the cellular telephones on school property shall be  
32 prohibited only during school hours.

33 (b) Violation of this section shall be a Class C misdemeanor. It shall  
34 be a defense to prosecution under this section that the individual in  
35 possession of the cellular telephone, paging device, beeper, or similar  
36 communications device has been granted an exemption to possess such device by

1 the board of directors of the school or school board in which such individual  
2 is enrolled as a student and further, it shall be a defense to possession of a  
3 cellular telephone on school property if the person possesses the cellular  
4 telephones on school property which is unactivated and unable to send or to  
5 receive calls during school hours except in an emergency situation."

6  
7 SECTION 2. All provisions of this act of general and permanent nature  
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
9 Revision Commission shall incorporate the same in the Code.

10  
11 SECTION 3. If any provisions of this act or the application thereof to  
12 any person or circumstance is held invalid, the invalidity shall not affect  
13 other provisions or applications of the act which can be given effect without  
14 the invalid provisions or application, and to this end the provisions of this  
15 act are declared to be severable.

16  
17 SECTION 4. All laws and parts of laws in conflict with th  
18 */s/ Wilkinson, et al*