

HOUSE BILL 593

By Coleman

AN ACT to amend Tennessee Code Annotated, Title 49,  
relative to conduct by students.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 42, is amended by  
adding the following language as a new section:

Section 49-6-4219.

(a) For the purpose of this section, unless the context otherwise requires:

(1) "Mobile telephone" means a cellular, analog, wireless or digital  
device that provides for voice communication, for data communication or  
for both voice and data communication; and

(2) "Personal digital assistant" means a wireless electronic  
communication device that provides for data communication other than by  
voice.

(b)

(1) It is a delinquent act for any student under eighteen (18) years  
of age to use a mobile telephone or a personal digital assistant to transmit  
or receive a verbal or written message, take photographs, play games or  
access the Internet during school hours on school property.

(2) It is a Class C misdemeanor for any student eighteen (18)  
years of age or older to use a mobile telephone or a personal digital  
assistant to transmit or receive a verbal or written message, take  
photographs, play games or access the Internet during school hours on  
school property.

(c) A violation of subdivision (b)(2) is punishable by a fine not to exceed twenty-five dollars (\$25.00) or, in the discretion of the court, community service work not less than ten (10) hours nor more than twenty-five (25) hours.

(d) It is an affirmative defense to prosecution under this section, which must be proven by a preponderance of the evidence, that the student's use of a mobile telephone or personal digital assistant was necessitated by a bona fide emergency. The use of a mobile telephone or personal digital assistant during school hours on school property by any student to communicate with the person's custodial parents shall be deemed a bona fide emergency and shall not be a violation of this section.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.