



Legislation Details (With Text)

File #: Int 0351-2006 **Version:** A **Name:** Allowing schoolchildren to carry cellular phones to and from school for safety purposes.

Type: Introduction **Status:** Enacted
In control: Committee on Public Safety

On agenda: 5/24/2006

Enactment date: 9/10/2007 **Enactment #:** 2007/046

Title: A Local Law to amend the administrative code of the city of New York, in relation to allowing schoolchildren to carry cellular phones to and from school.

Sponsors: Lewis A. Fidler, Robert Jackson, David I. Weprin, Melinda R. Katz, Domenic M. Recchia, Jr., Kendall Stewart, David Yassky, Simcha Felder, Vincent J. Gentile, Letitia James, Sara M. Gonzalez, Michael C. Nelson, Albert Vann, Erik Martin Dilan, Leroy G. Comrie, Jr., Inez E. Dickens, Joel Rivera, Joseph P. Addabbo, Jr., Maria Del Carmen Arroyo, Tony Avella, Gale A. Brewer, Helen D. Foster, Dennis P. Gallagher, Daniel R. Garodnick, Alan J. Gerson, James F. Gennaro, Eric N. Gioia, Jessica S. Lappin, John C. Liu, Miguel Martinez, Michael E. McMahon, Rosie Mendez, Helen Sears, Peter F. Vallone, Jr., Thomas White, Jr., Charles Barron, Annabel Palma, Bill De Blasio, Mathieu Eugene, Betsy Gotbaum

Indexes:

Attachments: 1. Int. No. 351 - 5/24/06, 2. Committee Report 6/14/06, 3. Hearing Transcript 6/14/06, 4. Committee Report 7/25/07, 5. Hearing Transcript 7/25/07, 6. Press Release 7/25/07, 7. Hearing Transcript - Stated Meeting 7/25/07, 8. Fiscal Impact Statement, 9. Mayor's Veto Message, 10. Press Release 8/9/07, 11. Committee Report 9/6/07, 12. Hearing Transcript 9/6/07, 13. Hearing Testimony 9/6/07, 14. Press Release, 15. Hearing Transcript - Stated Meeting 9/10/07, 16. Local Law

Date	Ver.	Action By	Action	Result
5/24/2006	*	City Council	Introduced by Council	
5/24/2006	*	City Council	Referred to Comm by Council	
6/14/2006	*	Committee on Public Safety	Hearing Held by Committee	
6/14/2006	*	Committee on Public Safety	Laid Over by Committee	
6/14/2006	*	Committee on Education	Hearing Held by Committee	
6/14/2006	*	Committee on Education	Laid Over by Committee	
7/25/2007	*	Committee on Public Safety	Hearing Held by Committee	
7/25/2007	*	Committee on Public Safety	Amendment Proposed by Comm	
7/25/2007	*	Committee on Public Safety	Amended by Committee	
7/25/2007	A	Committee on Public Safety	Approved by Committee	Pass
7/25/2007	A	City Council	Approved by Council	Pass
7/25/2007	A	City Council	Sent to Mayor by Council	
8/9/2007	A	Mayor	Vetoed by Mayor	
9/6/2007	A	Committee on Public Safety	Hearing Held by Committee	
9/6/2007	A	Committee on Public Safety	Approved by Committee	Pass
9/10/2007	A	City Council	Overridden by Council	Pass

Int. No. 351-A

By Council Members Fidler, Jackson, Weprin, Katz, Recchia Jr., Stewart, Yassky, Felder, Gentile, James, Gonzalez, Nelson, Vann, Dilan, Comrie, Dickens, Rivera, Addabbo Jr., Arroyo, Avella, Brewer, Foster, Gallagher, Garodnick, Gerson, Gennaro, Gioia, Lappin, Liu, Martinez, McMahon, Mendez, Sears, Vallone Jr., White Jr., Barron, Palma, de Blasio, Eugene and The Public Advocate (Ms. Gotbaum)

A Local Law to amend the administrative code of the city of New York, in relation to allowing schoolchildren to carry cellular phones to and from school.

Be it enacted by the Council as follows:

Section 1. Legislative intent. Cellular phones have proven to be invaluable tools in facilitating communication between schoolchildren and their parents or guardians as such children travel to and from school. The use of such phones allows parents or guardians to ensure their children's safe arrival at school in the morning and back at home at the end of the school day, and enables any children traveling to or from school who become injured or lost, or who find themselves in a remote location or in other dangerous circumstances, to contact their parents or guardians or the police. In addition, such use provides parents and their children with significant peace of mind. It is therefore the Council's intent to allow schoolchildren to carry cellular phones with them to and from school for the purpose of being used outside of school to promote safety and the general welfare.

§2. Title 10 of the administrative code of the city of New York is amended by adding a new section 10-166 to read as follows:

§10-166 Use of cellular telephones by schoolchildren. a. Definitions. For the purposes of this section:

(1) "Cellular telephone" shall mean any mobile analog, wireless, digital or other similar telephone or communications device, which can be used to access two-way real time voice telecommunications service that is interconnected to a public switched telephone network and is provided by a commercial mobile radio service, as such term is defined by 47 CFR § 20.3.

(2) "School" shall mean any buildings, grounds, facilities, property, or portion thereof under the jurisdiction of the New York city department of education or any non-public school that provides educational instruction to students at or below the twelfth grade level.

(3) “Student” shall mean any person under the age of eighteen enrolled in a school.

b. Any parent or guardian of any student may provide such student with a cellular telephone for any lawful use en route to and from school. No person shall interfere with the provision of such telephone to, or the use of such telephone by, such student.

c. Any person who is aggrieved by interference prohibited by subdivision b of this section shall be entitled to seek equitable relief in any court of competent jurisdiction.

d. Nothing in this section shall be construed to affect or limit the right of any school or law enforcement official to enforce regulations regarding the use of cellular telephones.

§3. This local law shall take effect ninety days after its enactment into law.

LS #952
7/17/07 6:15p.m.