

Representative Carl R. Saunders proposes to substitute the following bill:

**PENALTIES FOR UNDER AGE POSSESSION
OF TOBACCO**

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Carl R. Saunders

This act modifies the Judicial Code. This act provides that participation in a court-approved tobacco education program is mandatory rather than optional for first-time possession or attempted purchase of tobacco by an underage person. This act increases the minimum fine or penalty for the same offense.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

76-10-105, as last amended by Chapters 41 and 240, Laws of Utah 1998

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-10-105** is amended to read:

76-10-105. Buying or possessing cigars, cigarettes, or tobacco by minors -- Penalty -- Compliance officer authority -- Juvenile court jurisdiction.

(1) Any 18 year old person who buys or attempts to buy, accepts, or has in his possession any cigar, cigarette, or tobacco in any form is guilty of a class C misdemeanor and subject to:

(a) a minimum fine or penalty of [~~\$50~~] \$55; [~~or~~] and

(b) if the offense if a first offense, participation in a court-approved tobacco education program, which may include a participation fee.

(2) Any person under the age of 18 who buys or attempts to buy, accepts, or has in his possession any cigar, cigarette, or tobacco in any form is subject to the jurisdiction of the Juvenile Court and:

(a) a minimum fine or penalty of [~~\$50~~] \$55; [~~or~~] and



26 (b) if the offense if a first offense, participation in a court-approved tobacco education
27 program, which may include a participation fee.

28 (3) Participation in a court-approved tobacco education program may be waived if the
29 court finds that participation would cause undue hardship to the offender.

30 [~~3~~] (4) A compliance officer appointed by a board of education under Section 53A-3-402
31 may issue citations for violations of this section committed on school property. Cited violations
32 shall be reported to the appropriate juvenile court.