

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 791 Session of  
1997

INTRODUCED BY BARD, SAYLOR, BAKER, BUNT, STAIRS, VANCE, WILT,  
CORNELL, MCGILL, FICHTER, L. I. COHEN, GLADECK AND RUBLEY,  
MARCH 12, 1997

REFERRED TO COMMITTEE ON EDUCATION, MARCH 12, 1997

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, regulating penalties for use of  
3 tobacco in schools.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Section 6306.1 of Title 18 of the Pennsylvania  
7 Consolidated Statutes, added December 4, 1996 (P.L.902, No.145),  
8 is amended to read:

9 § 6306.1. Use of tobacco in schools prohibited.

10 (a) Offense defined.--A pupil who possesses or uses tobacco  
11 in a school building, a school bus or on school property owned  
12 by, leased by or under the control of a school district commits  
13 a summary offense.

14 (b) Grading.--A pupil who commits an offense under this  
15 section shall be subject to prosecution initiated by the local  
16 school district and shall, upon conviction, be sentenced to pay  
17 a fine of not [more than \$50] less than \$20 for the benefit of  
18 the school district in which such offending pupil resides and to

1 pay court costs. When a pupil is charged with violating  
2 subsection (a), the court may admit the offender to an  
3 adjudication alternative as authorized under 42 Pa.C.S. § 1520  
4 (relating to adjudication alternative program) in lieu of  
5 imposing the fine.

6 (c) Nature of offense.--A summary offense under this section  
7 shall not be a criminal offense of record, shall not be  
8 reportable as a criminal act and shall not be placed on the  
9 criminal record of the offending school-age person if any such  
10 record exists.

11 (d) Definitions.--As used in this section, the following  
12 words and phrases shall have the meanings given to them in this  
13 subsection:

14 "Pupil." A person between the ages of 6 and 21 years who is  
15 enrolled in school.

16 "School." A school operated by a joint board, board of  
17 directors or school board where pupils are enrolled in  
18 compliance with Article XIII of the act of March 10, 1949  
19 (P.L.30, No.14), known as the Public School Code of 1949,  
20 including area vocational schools and intermediate units.

21 "Tobacco." A lighted or unlighted cigarette, cigar, pipe or  
22 other lighted smoking product and smokeless tobacco in any form.

23 Section 2. This act shall take effect in 60 days.