

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 1277 Session of  
1999

INTRODUCED BY MCGILL, FLEAGLE, CORRIGAN, MARKOSEK, RUBLEY,  
WILLIAMS, CAWLEY, FLICK, MICHLOVIC, MELIO, L. I. COHEN,  
SAYLOR, PLATTS, DALLY, E. Z. TAYLOR, SERAFINI, J. TAYLOR,  
YOUNGBLOOD, MAHER, GRUCELA AND GLADECK, APRIL 14, 1999

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 14, 1999

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, prohibiting the possession of tobacco  
3 by certain minors; and further providing for restriction on  
4 operating privileges.

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

7 Section 1. Title 18 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a section to read:

9 § 6305.1. Possession and use of tobacco by certain minors.

10 (a) Offense defined.--A person commits a summary offense if  
11 he, being less than 18 years of age, possesses or uses tobacco  
12 as defined in section 6306.1 (relating to use of tobacco in  
13 schools prohibited).

14 (b) Penalty.--A person convicted of violating subsection (a)  
15 may be sentenced to pay a fine of \$50 for the first violation  
16 and not more than \$200 for the second and each subsequent  
17 violation.

18 (c) Preadjudication disposition.--

1       (1) When a person is charged with violating subsection  
2       (a), a district justice may admit the offender to the  
3       adjudication alternative as authorized in 42 Pa.C.S. § 1520  
4       (relating to adjudication alternative program) or any other  
5       preadjudication disposition if the offender has not  
6       previously received a preadjudication disposition for  
7       violating subsection (a).

8       (2) The use of a preadjudication disposition shall be  
9       considered a first or subsequent offense, whichever is  
10      applicable for the purpose of further adjudication under this  
11      section.

12      (d) Nature of offense.--A summary offense under this section  
13      shall not be a criminal offense of record and shall not be  
14      reportable as a criminal act.

15      (e) Notification.--The police department making an arrest  
16      for a suspected violation of subsection (a) shall so notify the  
17      parents or guardian of the person charged.

18      Section 2. Section 6310.4(a) of Title 18 is amended to read:  
19      § 6310.4. Restriction of operating privileges.

20      (a) General rule.--Whenever a person is convicted or is  
21      adjudicated delinquent or is admitted to any preadjudication  
22      program for a violation of section 6305.1 (relating to  
23      possession and use of tobacco by certain minors), 6307 (relating  
24      to misrepresentation of age to secure liquor or malt or brewed  
25      beverages), 6308 (relating to purchase, consumption, possession  
26      or transportation of liquor or malt or brewed beverages) or  
27      6310.3 (relating to carrying a false identification card), the  
28      court, including a court not of record if it is exercising  
29      jurisdiction pursuant to 42 Pa.C.S. § 1515(a) (relating to  
30      jurisdiction and venue), shall order the operating privilege of

1 the person suspended. A copy of the order shall be transmitted  
2 to the Department of Transportation.

3 \* \* \*

4 Section 3. This act shall take effect in 60 days.