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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2999 Session of  
2004

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INTRODUCED BY HANNA, CREIGHTON, DALEY, DeWEESE, LEACH, MAITLAND,  
SAYLOR, STABACK, WHEATLEY AND YOUNGBLOOD, NOVEMBER 16, 2004

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REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 16, 2004

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for prohibition on  
3 use of 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 is amended to read:

8 § 6306.1. Use of tobacco in schools prohibited.

9 (a) Offense defined.--

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

14 (2) A person other than a pupil who uses tobacco in a  
15 school building, a school bus or on school property owned by,  
16 leased by or under the control of a school district, except  
17 in areas designated for tobacco use by the board of school  
18 directors, commits a summary offense.

1       (b) Grading.--A [pupil] person who commits an offense under  
2 this section shall be subject to prosecution initiated by the  
3 local school district and shall, upon conviction, be sentenced  
4 to pay a fine of not more than \$50 for the benefit of the school  
5 district in which [such offending pupil resides] the offense  
6 occurred and to pay court costs. When a pupil is charged with  
7 violating subsection (a), the court may admit the offender to an  
8 adjudication alternative as authorized under 42 Pa.C.S. § 1520  
9 (relating to adjudication alternative program) in lieu of  
10 imposing the fine.

11       (c) Nature of offense.--A summary offense under this section  
12 shall not be a criminal offense of record, shall not be  
13 reportable as a criminal act and shall not be placed on the  
14 criminal record of the offending [school-age] person if any such  
15 record exists.

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

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

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

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

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