BY: Delegate Stocksdale

<u>AMENDMENTS TO SENATE BILL NO. 856</u>
(Third Reading File Bill)

<u>AMENDMENT NO. 1</u>
        On page 1, in line 10, before "<u>requiring</u>" insert "<u>establishing a certain fine for a minor who</u>
<u>violates certain prohibitions relating to tobacco; providing that the fines collected shall be distributed</u>
<u>in a certain manner to a special fund and used for additional State aid to education;</u>".

        On page 4, after line 10, insert:

"<u>BY repealing and reenacting, with amendments,</u>
        <u>Article - Criminal Law</u>
        <u>Section 10-108</u>
        <u>Annotated Code of Maryland</u>
        <u>(As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of 2002)</u>".

<u>AMENDMENT NO. 2</u>
        On page 5, after line 35, insert:

"<u>Article - Criminal Law</u>

<u>10-108.</u>

        <u>(a)</u>   <u>In this section, "violation" has the meaning stated in § 3-8A-01 of the Courts Article.</u>

        <u>(b)</u>   <u>This section does not apply to the possession of a tobacco product or cigarette rolling</u>
<u>paper by a minor who is acting as the agent of the minor's employer within the scope of employment.</u>

        <u>(c)</u>   <u>A minor may not:</u>

(1)   use or possess a tobacco product or cigarette rolling paper; or

(2)   obtain or attempt to obtain a tobacco product or cigarette rolling paper by using a form of identification that:

(i)   is falsified; or

(ii)   identifies an individual other than the minor.

(d)   (1)   A violation of this section is a civil offense.

(2)   (I)   A MINOR WHO VIOLATES THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING $35.

(II)   NOTWITHSTANDING ANY OTHER PROVISION OF LAW, 75% OF THE FINES COLLECTED UNDER THIS PARAGRAPH SHALL BE DISTRIBUTED TO A SPECIAL FUND, TO BE USED ONLY TO PROVIDE ADDITIONAL FUNDING FOR STATE AID TO EDUCATION.

(3)   A minor who violates this section is ALSO subject to the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts Article.

(e)   A law enforcement officer authorized to make arrests shall issue a citation to a minor if the law enforcement officer has probable cause to believe that the minor is committing or has committed a violation of this section.".