

Department of Legislative Services  
Maryland General Assembly  
2000 Session

**FISCAL NOTE**

Senate Bill 94 (Senator Green)

Judicial Proceedings

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**Minors - Possession of Tobacco Products - Loss of Driving Privileges and Other Penalties**

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This bill modifies penalties applicable to minors who violate the prohibition against possessing tobacco products or using a false identification to obtain tobacco products or rolling papers. For a first or second violation, the Department of Juvenile Justice (DJJ) intake office must offer the child a choice of attending a smoking cessation clinic or participating in a supervised work program, for a maximum of 25 hours for a first violation or 50 hours for a second violation. For a third or subsequent violation, the intake officer must assign the child to a supervised work program for 50 hours, require the child's parent or guardian to withdraw consent to the child's driver's license or learner's permit, or forward the citation to the State's Attorney.

The intake officer must forward the citation to the State's Attorney if the child fails to comply with a smoking program referral or supervised work program assignment or if consent to the child's driver's license or learner's permit is not withdrawn. The child's driver's license or learner's permit may be suspended for a maximum of six months, but may not be suspended if the child has not yet obtained driving privileges at the time of the court appearance.

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**Fiscal Summary**

**State Effect:** The bill would not significantly impact governmental operations or finances.

**Local Effect:** The bill would not significantly impact governmental operations or finances.

**Small Business Effect:** Potential minimal.

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## Analysis

**Current Law:** When a DJJ intake officer receives a citation for violation of the prohibition against possessing tobacco products or using a false identification to obtain tobacco products or rolling papers, the intake officer may:

- refer the child to a smoking cessation clinic;
- assign the child to a supervised work program for a maximum of 20 hours for a first violation or 40 hours for a second or subsequent violation; or
- forward the citation to the State's Attorney.

The intake officer must forward the citation to the State's Attorney if the child fails to comply with a smoking program referral or a supervised work program assignment.

**Background:** In fiscal 1999, 2,968 smoking citations were issued to juveniles. Sixty percent of these youths were placed on informal supervision (presumably to complete community service or clinic attendance), 36% of the cases were settled at intake (some of which may have involved clinic referrals), and 3% of the cases were referred to the State's Attorney.

**State Fiscal Effect:** Although the bill would require education of personnel, development of new forms, and modifications to software programming, the bill is not expected to significantly impact the operations or finances of the Judiciary, DJJ, or law enforcement agencies. Community service work assignments and smoking cessation clinics are available in the community at no cost to DJJ.

Additionally, the Motor Vehicle Administration (MVA) advises that the bill would not significantly impact its operations or finances. Computer programming is already in place to accommodate license suspensions of juveniles charged with a third offense of tobacco possession. Procedurally, such suspensions would be similar to suspensions currently imposed for possession of alcohol by a juvenile. In calendar 1999, the MVA suspended the driver's licenses or learner's permits of 120 juveniles charged with possession of alcohol. There are no hearing rights for these suspensions and the MVA does not send notifications of the suspensions. It is anticipated that the MVA could absorb any additional workload associated with the bill with existing budgeted resources.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Juvenile Justice, Maryland Department of Transportation (Motor Vehicle Administration), Judiciary (District Court of Maryland), Maryland State's Attorneys' Association, Department of Legislative Services

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