

form. We have enough statutes on the books to criminalize conduct. Our young people have enough problems to confront without having additional conduct in which they engage, partly because their parents and others whom they respect might put them in that position, we have enough such conduct that has been criminalized already without making this latter that I just described criminal also. Any youngster under 18 who possess tobacco products in any form will be guilty of a Class V misdemeanor. It doesn't say that a child of 10 is exempt, 9, 8, 14, whatever age. That child becomes a misdemeanant, which means a criminal. There is no societal purpose to be served by passing laws to create a new class of criminals among our youngsters. I don't believe that Senator Bernard-Stevens or anybody who voted to attach this amendment can show that a youngster possessing a tobacco product is doing something so damaging to society at large that that conduct should be made criminal and the child brought within the criminal justice system, and if convicted, to have a record clanking behind him or her like the chains and cash boxes attached to Scrooge's partner, Marley. I don't know why the amendment was attached in the first place. There are many ways that a youngster could come into possession of a tobacco product. This amendment does not even say that the youngster has to knowingly possess it. So if one young person borrowed a garment of another person or was carrying a sack of groceries for anybody, their grandmother, grandfather, some old person standing to go across the street and the youngster carries the grocery sack and it has a tobacco product in it, that youngster is guilty of a misdemeanor. You have to look at what the law says, not what people say the intent is. So when you consider the numerous means by which a youngster could come into possession of a tobacco product, this is a very bad amendment. I don't even know whether it is constitutional. You are going to make somebody guilty of a crime when they don't even know whether they are committing it, they don't have to know that they are committing it, there need be no intent to commit it. If a child picks a cigarette butt off of the ground and a cop sees it, that gives the cop a basis to arrest that youngster. If the cop thinks that what the child picked up off the ground is a tobacco product, that gives probable cause to make the arrest, and it is another way that young people can be harassed when such harassment is not necessary. I thought the purpose of this legislation was to create protections for young people against improper distribution to them of tobacco products, maybe to head that off. The bill is going to take on the exact opposite character,