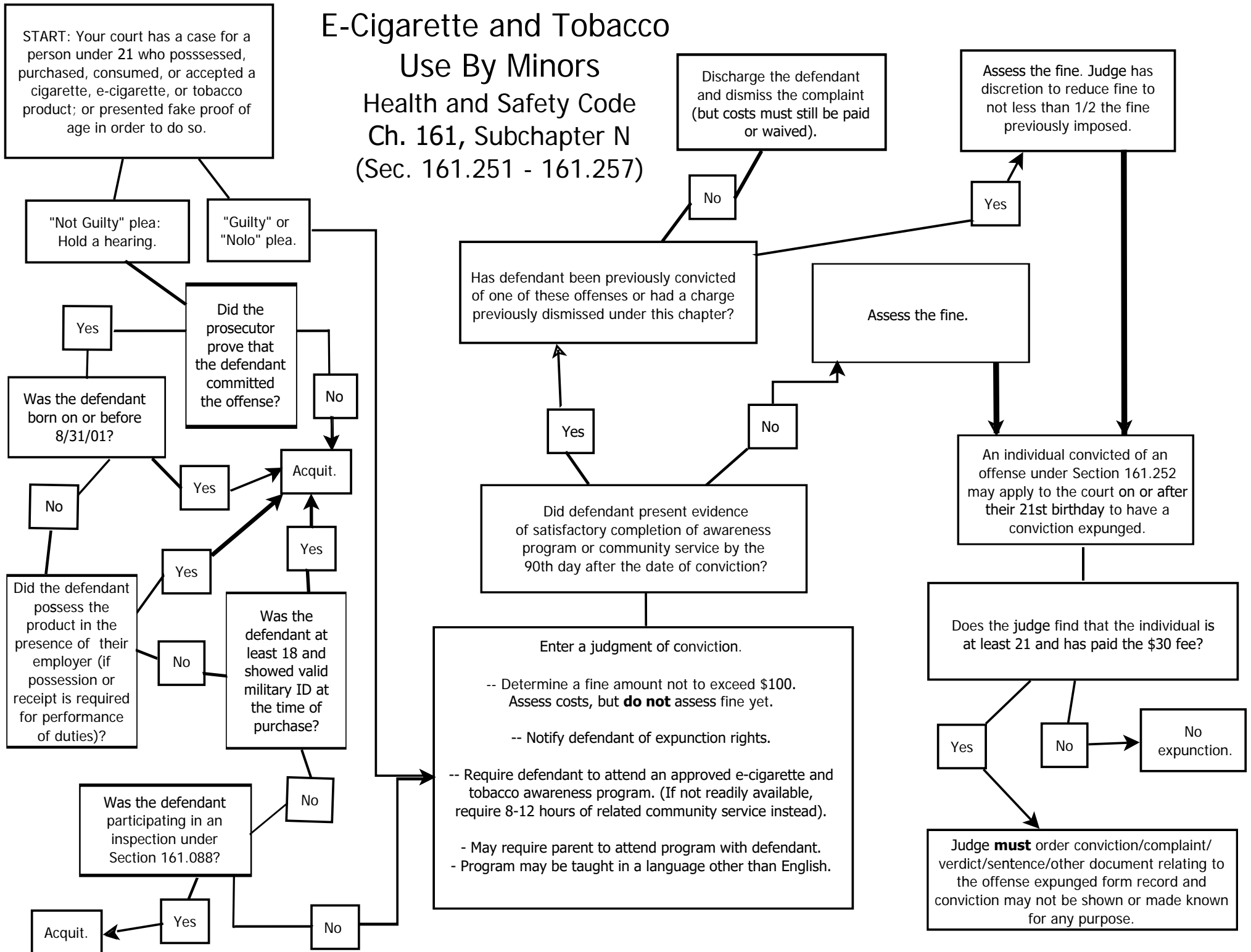


E-Cigarette and Tobacco Use By Minors Health and Safety Code Ch. 161, Subchapter N (Sec. 161.251 - 161.257)



START: Your court has a case for a person under 21 who possessed, purchased, consumed, or accepted a cigarette, e-cigarette, or tobacco product; or presented fake proof of age in order to do so.

"Not Guilty" plea: Hold a hearing.

"Guilty" or "Nolo" plea.

Did the prosecutor prove that the defendant committed the offense?

Was the defendant born on or before 8/31/01?

Did the defendant possess the product in the presence of their employer (if possession or receipt is required for performance of duties)?

Was the defendant at least 18 and showed valid military ID at the time of purchase?

Has defendant been previously convicted of one of these offenses or had a charge previously dismissed under this chapter?

Discharge the defendant and dismiss the complaint (but costs must still be paid or waived).

Assess the fine. Judge has discretion to reduce fine to not less than 1/2 the fine previously imposed.

Assess the fine.

An individual convicted of an offense under Section 161.252 may apply to the court on or after their 21st birthday to have a conviction expunged.

Does the judge find that the individual is at least 21 and has paid the \$30 fee?

No expunction.

Judge **must** order conviction/complaint/verdict/sentence/other document relating to the offense expunged from record and conviction may not be shown or made known for any purpose.

Enter a judgment of conviction.

- Determine a fine amount not to exceed \$100. Assess costs, but **do not** assess fine yet.
- Notify defendant of expunction rights.
- Require defendant to attend an approved e-cigarette and tobacco awareness program. (If not readily available, require 8-12 hours of related community service instead).
- May require parent to attend program with defendant.
- Program may be taught in a language other than English.

Acquit.

Acquit.

Acquit.

Yes

No

No

Yes

Yes

No

Yes

No

No

No

Was the defendant participating in an inspection under Section 161.088?

Yes

No