

1 AMENDMENT TO HOUSE BILL 1383

2 AMENDMENT NO. _____. Amend House Bill 1383 on page 7,
3 line 10, by replacing "0.01 and 1" with the following: "0.01,
4 1, and 2"; and

5 on page 8, after line 25, by inserting the following:

6 "(720 ILCS 675/2) (from Ch. 23, par. 2358)

7 Sec. 2. Except as otherwise provided in this Section,
8 any person who violates any provision of this Act is guilty
9 of a petty offense and for the first offense shall be fined
10 \$200, \$400 for the second offense in a 12-month period, and
11 \$600 for the third or any subsequent offense in a 12-month
12 period. One-half of each fine collected under this Section
13 shall be distributed to the unit of local government or other
14 entity that successfully prosecuted the offender and one-half
15 shall be remitted to the State to be used for enforcing this
16 Act.

17 A person who violates this Act on or after January 1,
18 2004 and before January 1, 2005 by selling, buying for,
19 distributing samples of, or furnishing a cigar or cigarette,
20 smokeless tobacco, or tobacco in any of its forms to a person
21 18 years of age shall be issued a warning that he or she has
22 violated this Act. The person may not be prosecuted under

1 this Act for such an act committed during that time period.

2 (Source: P.A. 88-418.)"; and

3 on page 9, line 11, by replacing "Any" with "Except as
4 otherwise provided in this Section, any"; and

5 on page 9, between lines 19 and 20, by inserting the
6 following:

7 "A person who violates this Section on or after January
8 1, 2004 and before January 1, 2005 by distributing or causing
9 to be distributed a smokeless tobacco product to a person 18
10 years of age shall be issued a warning that he or she has
11 violated this Section. The person may not be prosecuted under
12 this Act for such an act committed during that time period.";

13 and

14 on page 9, line 23, by replacing "2 and 4" with "2, 4, and
15 5"; and

16 on page 11, after line 30, by inserting the following:

17 "(720 ILCS 685/5) (from Ch. 23, par. 2358-5)

18 Sec. 5. Penalty.

19 (a) Except as otherwise provided in this subsection, any
20 person who shall knowingly violate, or shall knowingly cause
21 the violation of any provision of this Act other than
22 subsection (a-5) of Section 4 shall be guilty of a Class C
23 misdemeanor.

24 A person who knowingly violates, or knowingly causes the
25 violation of, subsection (a) of Section 4 on or after January
26 1, 2004 and before January 1, 2005 by selling, bartering,
27 exchanging, delivering, or giving away, or causing,
28 permitting, or procuring to be sold, bartered, exchanged,
29 delivered, or given away, tobacco accessories or smoking
30 herbs to a person 18 years of age shall be issued a warning
31 that he or she has violated subsection (a) of Section 4. The

1 person may not be prosecuted under this Act for such an act
2 committed during that time period.

3 (b) Any person who knowingly violates or knowingly
4 causes the violation of subsection (a-5) of Section 4 is
5 guilty of a petty offense for which the offender may be fined
6 an amount as follows:

7 (1) For a first offense, not less than \$100 and not
8 more than \$500.

9 (2) For a second offense within a 2-year period,
10 not less than \$250 and not more than \$500.

11 (3) For a third or subsequent offense within a
12 2-year period, not less than \$500 and not more than
13 \$1,000.

14 (Source: P.A. 91-734, eff. 1-1-01.)"