

WASHINGTON COUNTY JUSTICE COURT, WASHINGTON COUNTY, UTAH
NOTIFICATION OF ENHANCEMENT – TOBACCO-RELATED OFFENSES

Defendant: _____, Case No. _____

IF YOU ARE CONVICTED of the Tobacco-related Offense checked below, this conviction may be used to make a later charge of the same offense more serious by raising the classification of that offense. This form provides notification of the current provisions of Utah State Law regarding enhancement; minimum/maximum penalties applicable to the different classifications of offenses; and the specific elements of your current charges. It does not notify you of other collateral consequences.

ELEMENTS / ENHANCEMENT

Class C and B misdemeanor - Providing Tobacco to a Minor 76-10-104(1): Any person who knowingly, intentionally, recklessly, or with criminal negligence provides any cigar, cigarette, electronic cigarette, or tobacco in any form, to any person under 19 years of age, is guilty of a class C misdemeanor on the first offense, a class B misdemeanor on the second offense, and a class A misdemeanor on subsequent offenses.

Class C and B misdemeanor - Providing Tobacco Paraphernalia to a Minor 76-10-104.1(2): (a) It is unlawful for a person to knowingly, intentionally, recklessly, or with criminal negligence provide any tobacco paraphernalia to any person under 19 years of age. (b) A person who violates this Section is guilty of a class C misdemeanor on the first offense and a class B misdemeanor on subsequent offenses.

Class C and B misdemeanor – Unlawful Non-Face-To-Face Tobacco Sales 76-10-105.1(2): Except as otherwise provided in Subsection (3) [see below], a retailer may sell a cigarette, tobacco, or an electronic cigarette only in a face-to-face exchange. A violation is a class C misdemeanor on the first offense; class B misdemeanor on the second offense; and class A misdemeanor on the third and all subsequent offenses.

Class C and B misdemeanor – Permit Underage Tobacco Possession, by Parent 76-10-105.1(5): A parent or legal guardian who accompanies. Under Subsection (4)(a) [see below], an individual into an area described in Subsection (3)(b) [see below,] or into a tobacco specialty shop, may not allow the individual to purchase a cigarette, tobacco, or an electronic cigarette product. A violation is a class C misdemeanor on the first offense; class B misdemeanor on the second offense; and class A misdemeanor on the third and all subsequent offenses.

76-10-105.1(3): The face-to-face requirement in Subsection (2) does not apply to:

(a) a mail-order, telephone, or Internet sale made in compliance with Section 59-14-509;

(b) a sale from a vending machine or self-service display that is located in an area of a retailer's facility: (i) that is distinct and separate from the rest of the facility; and (ii) where the retailer only allows an individual who complies with Subsection (4) [see below] to be present; or

(c) a sale at a tobacco specialty shop.

76-10-105.1(4): An individual who is less than 19 years old may not enter or be present at a tobacco specialty shop unless the individual is: (a) accompanied by a parent or legal guardian; (b) present at the tobacco shop for a bona fide commercial purpose other than to purchase a cigarette, tobacco, or an electronic cigarette; or (c) 18 years old or older and an active duty member of the United States Armed Forces, as demonstrated by a valid, government-issued military identification card.

PENALTIES

Minimum/Maximum Sentences

Class C Misdemeanor:	0 days to 90 days jail	AND/OR	\$1,475 fines and surcharges, plus interest
Class B Misdemeanor:	0 days to 6 months jail	AND/OR	\$1,950 fines and surcharges, plus interest
Class A Misdemeanor:	0 days to 1 year jail	AND/OR	\$4,793 fines and surcharges, plus interest

I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.

_____ (Date) _____ (Defendant)

Form dated 7/1/2015