




**Date:** January 8, 2008

**To:** Mayor and Members of the City Council

**From:** Vice Mayor Bonnie Lowenthal, 1<sup>st</sup> District 

**Subject:** **Banning Lighters and Matches for Underage Students**

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Over the past several months, the City and the Long Beach Unified School District have convened an informal taskforce to discuss how both agencies can better coordinate to address youth-related issues. During these discussions, it became evident that underage students possessing matches and lighters are currently being cited by police agencies, yet the courts have no recourse to address underage students with matches. Current state law makes it illegal for a person under the age of 18 to possess tobacco, cigarettes, cigarette papers, or other instrument or paraphernalia that is designed for the smoking of tobacco or any other controlled substance. This law does not currently apply to matches or lighters.

As mentioned above, students in our local schools are often cited by the Long Beach Police Department for possessing matches and lighters. However, once they reach the Informal Juvenile and Traffic Court (IJTC) in response to these citations, the court must often dismiss an average of about four cases each week, since the law does not allow the court to impose the fine for tobacco and related paraphernalia (\$75.00 fine or up to 30 hours of community service).

In response to this discrepancy, I would request that the City Council explore pursuing a change in state law to expand Section 308(b) of the Penal Code to include matches and lighters as tobacco-related paraphernalia for youth under the age of 18. I would also like to request that the City Attorney review this issue and advise if the City Council has the ability to enact a local ordinance to prohibit underage students from carrying matches and lighters.

**Recommended Action:** Refer the designation of matches and lighters as tobacco-related paraphernalia for youth under the age of 18 to the State Legislation Committee for further discussion and review.