

By: Representative Simpson

To: Ways and Means

HOUSE BILL NO. 1251

1 AN ACT TO AMEND SECTIONS 67-1-81 AND 67-3-70, MISSISSIPPI
 2 CODE OF 1972, TO PROVIDE THAT A TRIAL JUDGE SHALL SUSPEND THE
 3 DRIVER'S LICENSE OF A MINOR WHO UNLAWFULLY POSSESSES OR PURCHASES
 4 ALCOHOLIC BEVERAGES, BEER OR LIGHT WINE IN LIEU OF CONVICTION FOR
 5 SUCH OFFENSES; TO PROVIDE THAT THE JUDGE MAY PLACE THE MINOR ON
 6 PROBATION DURING THE PERIOD OF THE DRIVER'S LICENSE SUSPENSION,
 7 SUBJECT SUCH CONDITIONS AS THE JUDGE DEEMS APPROPRIATE; AND FOR
 8 RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 SECTION 1. Section 67-1-81, Mississippi Code of 1972, is
 11 amended as follows:

12 67-1-81. (1) Any permittee or other person who shall sell,
 13 furnish, dispose of, give, or cause to be sold, furnished,
 14 disposed of, or given, any alcoholic beverage to any person under
 15 the age of twenty-one (21) years shall be guilty of a misdemeanor
 16 and shall be punished by a fine of not less than Five Hundred
 17 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00)
 18 for a first offense. For a second or subsequent offense, such
 19 permittee or other person shall be punished by a fine of not less
 20 than One Thousand Dollars (\$1,000.00) nor more than Two Thousand
 21 Dollars (\$2,000.00), or by imprisonment for not more than one (1)
 22 year, or by both such fine and imprisonment in the discretion of
 23 the court. Upon conviction of a second offense under the
 24 provisions of this section the permit of any permittee so
 25 convicted shall be automatically and permanently revoked.

26 (2) Any person under the age of twenty-one (21) years who
 27 purchases, receives, or has in his or her possession in any public
 28 place, any alcoholic beverages, shall be guilty of a misdemeanor
 29 and shall be punished by a fine of not more than One Hundred

30 Dollars (\$100.00). Provided, that clearing or busing tables that
31 have glasses or other containers that contain or did contain
32 alcoholic beverages, or stocking, bagging or otherwise handling
33 purchases of alcoholic beverages shall not be deemed possession of
34 alcoholic beverages for the purposes of this section. Provided
35 further, that a person who is at least eighteen (18) years of age
36 but under the age of twenty-one (21) years who waits on tables by
37 taking orders for or delivering orders of alcoholic beverages
38 shall not be deemed to unlawfully possess or furnish alcoholic
39 beverages if in the scope of his employment by the holder of an
40 on-premises retailer's permit. This exception shall not authorize
41 a person under the age of twenty-one (21) to tend bar or act in
42 the capacity of bartender. Any person under the age of twenty-one
43 (21) who knowingly makes a false statement to the effect that he
44 or she is twenty-one (21) years old or older to any person engaged
45 in the sale of alcoholic beverages for the purpose of obtaining
46 the same shall be guilty of a misdemeanor and shall be punished by
47 a fine of not more than Two Hundred Dollars (\$200.00), and on
48 failure to pay such fine and all costs shall be imprisoned for not
49 less than five (5) nor more than thirty (30) days in the county
50 jail.

51 (3) If a person under the age of twenty-one (21) years is
52 convicted or enters a plea of guilty of purchasing, receiving or
53 having in his or her possession in any public place any alcoholic
54 beverages in violation of subsection (2) of this section, the
55 trial judge, in lieu of the penalties otherwise provided under
56 subsection (2) of this section, shall suspend the minor's driver's
57 license by taking and keeping it in the custody of the court for a
58 period of time not to exceed ninety (90) days. The judge so
59 ordering the suspension shall enter upon his docket "DEFENDANT'S
60 DRIVER'S LICENSE SUSPENDED FOR ___ DAYS IN LIEU OF CONVICTION" and
61 such action by the trial judge shall not constitute a conviction.
62 During the period that the minor's driver's license is suspended,

63 the trial judge shall suspend the imposition of any fines or
64 penalties that may be imposed under subsection (2) of this section
65 and may place the minor on probation subject to such conditions as
66 the judge deems appropriate. If the minor violates any of the
67 conditions of probation, then the trial judge shall return the
68 driver's license to the minor and impose the fines, penalties or
69 both, that he would have otherwise imposed, and such action shall
70 constitute a conviction.

71 SECTION 2. Section 67-3-70, Mississippi Code of 1972, is
72 amended as follows:

73 67-3-70. (1) Except as otherwise provided by Section
74 67-3-54, any person under the age of twenty-one (21) years who
75 purchases or possesses any light wine or beer shall be guilty of a
76 misdemeanor, and upon conviction shall be punished by a fine of
77 not less than Twenty-five Dollars (\$25.00) nor more than Five
78 Hundred Dollars (\$500.00) and/or a sentence to not more than
79 thirty (30) days community service.

80 (2) Any person under the age of twenty-one (21) years who
81 falsely states he is twenty-one (21) years of age or older or
82 presents any document that indicates he is twenty-one (21) years
83 of age or older for the purpose of purchasing or possessing any
84 light wine or beer shall be guilty of a misdemeanor, and upon
85 conviction shall be punished by a fine of not less than
86 Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars
87 (\$500.00) and/or a sentence to not more than thirty (30) days
88 community service.

89 (3) Except as otherwise provided by Section 67-3-54, any
90 person who knowingly purchases light wine or beer for, or gives or
91 makes available light wine or beer to a person under the age of
92 twenty-one (21) years, shall be guilty of a misdemeanor and upon
93 conviction shall be punished by a fine of not less than One
94 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars

95 (\$500.00) and/or a sentence to not more than thirty (30) days'
96 community service.

97 (4) The term "community service" as used in this section
98 shall mean work, projects or services for the benefit of the
99 community assigned, supervised and recorded by appropriate public
100 officials.

101 (5) If a person under the age of twenty-one (21) years is
102 convicted or enters a plea of guilty of violating subsection (1)
103 or subsection (2) of this section, the trial judge, in lieu of the
104 penalties otherwise provided under this section, shall suspend the
105 minor's driver's license by taking and keeping it in the custody
106 of the court for a period of time not to exceed ninety (90) days.
107 The judge so ordering the suspension shall enter upon his docket
108 "DEFENDANT'S DRIVER'S LICENSE SUSPENDED FOR ____ DAYS IN LIEU OF
109 CONVICTION" and such action by the trial judge shall not
110 constitute a conviction. During the period that the minor's
111 driver's license is suspended, the trial judge shall suspend the
112 imposition of any fines or penalties that may be imposed under
113 this section and may place the minor on probation subject to such
114 conditions as the judge deems appropriate. If the minor violates
115 any of the conditions of probation, then the trial judge shall
116 return the driver's license to the minor and impose the fines,
117 penalties, or both, that he would have otherwise imposed, and such
118 action shall constitute a conviction.

119 (6) Any person who has been charged with a violation of
120 subsections (1) or (2) of this section may, not sooner than one
121 (1) year after the dismissal and discharge or completion of any
122 sentence and/or payment of any fine, apply to the court for an
123 order to expunge from all official records all recordation
124 relating to his arrest, trial, finding or plea of guilty, and
125 dismissal and discharge. If the court determines that such person
126 was dismissed and the proceedings against him discharged or that

127 such person had satisfactorily served his sentence and/or paid his
128 fine, it shall enter such order.

129 SECTION 3. This act shall take effect and be in force from
130 and after July 1, 2001.