

By: Representatives Bennett, Gipson, Jones
(111th), Baker (74th)

To: Judiciary A

HOUSE BILL NO. 504

1 AN ACT TO PROHIBIT ADULTS FROM ALLOWING A PARTY TO TAKE PLACE
2 AT A PRIVATE RESIDENCE OR PRIVATE PREMISES IF A MINOR AT THE PARTY
3 OBTAINS ANY ALCOHOLIC BEVERAGE OR BEER AND THE ADULT KNOWS OR
4 REASONABLY SHOULD KNOW THAT THE MINOR HAS OBTAINED ALCOHOLIC
5 BEVERAGES OR BEER; TO PROVIDE CRIMINAL PENALTIES FOR VIOLATIONS OF
6 THIS ACT; TO AMEND SECTION 67-3-70, MISSISSIPPI CODE OF 1972, TO
7 CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** (1) As used in this section:

10 (a) "Adult" means a person over the age of twenty-one
11 (21) years.

12 (b) "Alcoholic beverage" has the meaning as defined in
13 Section 67-1-5.

14 (c) "Beer" has the meaning as defined in Section
15 67-3-3.

16 (d) "Light wine" means wine containing five percent
17 (5%) or less of alcohol by weight.

18 (e) "Minor" means a person under the age of twenty-one
19 (21) years.

20 (f) "Party" means a gathering or event at which a group
21 of two (2) or more persons assembles for a social occasion or
22 activity at a private residence or a private premises.

23 (g) "Private premises" means privately owned land,
24 including any appurtenances or improvements on the land.

25 (h) "Private residence" means the place where a person
26 actually lives or has his or her home.

27 (i) "Wine" has the meaning as defined in Section
28 67-1-5.



29 (2) No adult who owns or controls a private residence or
30 private premises shall allow a party to take place or continue at
31 the residence or premises if a minor at the party obtains,
32 possesses or consumes any alcoholic beverage, light wine or beer
33 and the adult knows or reasonably should know that the minor has
34 obtained, possesses or is consuming alcoholic beverages, light
35 wine or beer.

36 (3) This section shall not apply to legally protected
37 religious activities or gatherings of family members or to any of
38 the exemptions set forth in Section 67-3-54.

39 (4) Each incident in violation of subsection (2) of this
40 section or any part of subsection (2) constitutes a separate
41 offense.

42 (5) Any person who violates subsection (2) of this section
43 shall be guilty of a misdemeanor and, upon conviction thereof,
44 shall be punished by a fine of One Thousand Dollars (\$1,000.00) or
45 by imprisonment in the county jail for not more than ninety (90)
46 days, or by both the fine and imprisonment, in the discretion of
47 the court.

48 **SECTION 2.** Section 67-3-70, Mississippi Code of 1972, is
49 amended as follows:

50 67-3-70. (1) Except as otherwise provided by Section
51 67-3-54, any person under the age of twenty-one (21) years who
52 purchases or possesses any light wine or beer shall be guilty of a
53 misdemeanor, and upon conviction, shall be punished by a fine of
54 not less than Two Hundred Dollars (\$200.00) nor more than Five
55 Hundred Dollars (\$500.00) and a sentence to not more than thirty
56 (30) days community service.

57 (2) Any person under the age of twenty-one (21) years who
58 falsely states he is twenty-one (21) years of age or older or
59 presents any document that indicates he is twenty-one (21) years
60 of age or older for the purpose of purchasing or possessing any
61 light wine or beer shall be guilty of a misdemeanor, and upon



62 conviction, shall be punished by a fine of not less than Two
63 Hundred Dollars (\$200.00) nor more than Five Hundred Dollars
64 (\$500.00) and a sentence to not more than thirty (30) days
65 community service.

66 (3) Except as otherwise provided by Section 67-3-54, any
67 person who knowingly purchases light wine or beer for, or gives or
68 makes available light wine or beer to a person under the age of
69 twenty-one (21) years, shall be guilty of a misdemeanor, and upon
70 conviction, shall be punished by a fine of not less than Two
71 Hundred Dollars (\$200.00) nor more than Five Hundred Dollars
72 (\$500.00) and a sentence to not more than thirty (30) days
73 community service. The punishment provided under this subsection
74 shall not be applicable to violations of Section 1 of this act.

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

79 (5) If a person under the age of twenty-one (21) years is
80 convicted or enters a plea of guilty of violating subsection (1)
81 or subsection (2) of this section, the trial judge, in lieu of the
82 penalties otherwise provided under this section, shall suspend the
83 minor's driver's license by taking and keeping it in the custody
84 of the court for a period of time not to exceed ninety (90) days.
85 The judge so ordering the suspension shall enter upon his docket
86 "DEFENDANT'S DRIVER'S LICENSE SUSPENDED FOR ____ DAYS IN LIEU OF
87 CONVICTION" and such action by the trial judge shall not
88 constitute a conviction. During the period that the minor's
89 driver's license is suspended, the trial judge shall suspend the
90 imposition of any fines or penalties that may be imposed under
91 this section and may place the minor on probation subject to such
92 conditions as the judge deems appropriate. If the minor violates
93 any of the conditions of probation, then the trial judge shall
94 return the driver's license to the minor and impose the fines,



95 penalties, or both, that he would have otherwise imposed, and such
96 action shall constitute a conviction.

97 (6) Any person who has been charged with a violation of
98 subsections (1) or (2) of this section may, not sooner than one
99 (1) year after the dismissal and discharge or completion of any
100 sentence and/or payment of any fine, apply to the court for an
101 order to expunge from all official records all recordation
102 relating to his arrest, trial, finding or plea of guilty, and
103 dismissal and discharge. If the court determines that such person
104 was dismissed and the proceedings against him discharged or that
105 such person had satisfactorily served his sentence and/or paid his
106 fine, it shall enter such order.

107 **SECTION 3.** This act shall take effect and be in force from
108 and after July 1, 2011.

