

By: Representative Touchstone

To: Drug Policy

HOUSE BILL NO. 1292

1 AN ACT TO AMEND SECTION 97-5-49, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE THAT A SOCIAL HOST SHALL BE GUILTY OF A FELONY IF SUCH
 3 PERSON HAS BEEN CONVICTED FOR VIOLATING THE SOCIAL HOST PROVISIONS
 4 FOR MORE THAN TWO TIMES WITHIN A TEN YEAR PERIOD; TO PROVIDE THAT
 5 A SOCIAL HOST SHALL BE GUILTY OF A FELONY IF SUCH PERSON'S ACTIONS
 6 CAUSE GREAT BODILY INJURY TO ANOTHER PERSON; AND FOR RELATED
 7 PURPOSES.

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

9 **SECTION 1.** Section 97-5-49, Mississippi Code of 1972, is
 10 amended as follows:

11 97-5-49. (1) As used in this section:

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

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

16 (c) "Beer" has the meaning as defined in Section
 17 67-3-3.

18 (d) "Light wine" means wine containing five percent
 19 (5%) or less of alcohol by weight.



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

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

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

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

29 (i) "Wine" has the meaning as defined in Section
30 67-1-5.

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

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

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

43 (5) * * * Any person who violates subsection (2) of this
44 section shall be guilty of a misdemeanor and, upon conviction



45 thereof, shall be punished by a fine of One Thousand Dollars
46 (\$1,000.00) or by imprisonment in the county jail for not more
47 than ninety (90) days, or by both the fine and imprisonment, in
48 the discretion of the court.

49 * * *

50 (6) (a) Any person who, within ten (10) years after two (2)
51 or more previous convictions of a violation: (a) of this section,
52 or (b) of the provisions of any law of another state prohibiting
53 the offense provided for in subsection (2) of this section, or (c)
54 in a municipal criminal court of record for the violation of a
55 municipal ordinance prohibiting the offense provided for in
56 subsection (2) of this section, or (d) or any combination of two
57 (2) or more thereof, shall be guilty of a felony and shall be
58 punished by a fine of not more than Two Thousand and Five Hundred
59 Dollars (\$2,500), or by imprisonment in the custody of the
60 Department of Corrections for not more than five (5) years, or by
61 both such fine and imprisonment.

62 (b) Any person who violates this section, and such actions
63 cause great bodily injury or the death of a person, shall, in
64 addition to any other penalty provided by law, be guilty of a
65 felony, punishable by imprisonment in the custody of the
66 Department of Corrections for not more than five (5) years, a fine
67 of not less than Two Thousand Five Hundred Dollars (\$2,500) nor
68 more than Five Thousand Dollars (\$5,000), or both such fine and
69 imprisonment.



70 **SECTION 2.** This act shall take effect and be in force from
71 and after July 1, 2016.

