

By: Representatives Touchstone, Sykes,  
Bennett

To: Drug Policy

HOUSE BILL NO. 1292  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 97-5-49, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE MAXIMUM TERM OF IMPRISONMENT IN JAIL FOR A PERSON FOUND  
3 GUILTY OF A SOCIAL HOST VIOLATION; AND FOR RELATED PURPOSES.

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

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

7 97-5-49. (1) As used in this section:

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

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

12 (c) "Beer" has the meaning as defined in Section  
13 67-3-3.

14 (d) "Light wine" means wine containing five percent  
15 (5%) or less of alcohol by weight.

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



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

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

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

25 (i) "Wine" has the meaning as defined in Section  
26 67-1-5.

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

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

36 (4) Each incident in violation of subsection (2) of this  
37 section or any part of subsection (2) constitutes a separate  
38 offense.

39 (5) Any person who violates subsection (2) of this section  
40 shall be guilty of a misdemeanor and, upon conviction thereof,  
41 shall be punished by a fine of One Thousand Dollars (\$1,000.00) or  
42 by imprisonment in the county jail for not more than \* \* \* six (6)



43 months, or by both the fine and imprisonment, in the discretion of  
44 the court.

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

