

By: Representative Touchstone

To: Drug Policy

HOUSE BILL NO. 138

1 AN ACT TO AMEND SECTION 97-5-49, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE PENALTIES FOR CERTAIN SOCIAL HOSTS; AND FOR RELATED
3 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) "Great bodily injury" means mutilates, disfigures,
15 permanently disables or destroys the tongue, eye, lips, nose or any
16 other limb, organ or member.

17 (* * * e) "Light wine" means wine containing five
18 percent (5%) or less of alcohol by weight.



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

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

24 (* * *h) "Private premises" means privately owned
25 land, including any appurtenances or improvements on the land.

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

28 (* * *j) "Wine" has the meaning as defined in Section
29 67-1-5.

30 (2) No adult who owns or leases a private residence or
31 private premises shall knowingly allow a party to take place or
32 continue at the residence or premises if a minor at the party
33 obtains, possesses or consumes any alcoholic beverage, light wine
34 or beer if the adult knows that the minor has obtained, possesses
35 or is consuming alcoholic beverages, light 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) (a) Except as otherwise provided in paragraph (b) of
43 this subsection, 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 six (6) months, or by both the fine and imprisonment, in the
48 discretion of the court.

49 (b) Any person who violates subsection (2) of this
50 section and the minor served in violation of this act causes great
51 bodily injury as defined in subsection (1) of this section to
52 himself, herself or to another person, shall be guilty of a felony
53 and, upon conviction thereof, shall be punished by a fine of not
54 more than Two Thousand Five Hundred Dollars (\$2,500), or by
55 imprisonment in the custody of the Department of Corrections for not
56 more than five (5) years, or by both such fine and imprisonment.

57 **SECTION 2.** This act shall take effect and be in force from
58 and after July 1, 2018.

