

By: Representatives Touchstone, Sykes,
Bennett

To: Drug Policy

COMMITTEE SUBSTITUTE
FOR
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 FIVE 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) "Great bodily injury" means mutilates, disfigures,
19 permanently disables or destroys the tongue, eye, lips, nose or
20 any other limb, organ or member of another person.



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

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

25 (* * *g) "Party" means a gathering or event at which a
26 group of two (2) or more persons assembles for a social occasion
27 or activity at a private residence or a private premises. For
28 purposes of this section, the term "party" means one incident
29 regardless of the number of minors who obtained, possessed or
30 consumed alcoholic beverages in violation of this act at the same
31 "party."

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

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

36 (* * *j) "Wine" has the meaning as defined in Section
37 67-1-5.

38 (2) No adult who owns or leases a private residence or
39 private premises shall knowingly allow a party to take place or
40 continue at the residence or premises if a minor at the party
41 obtains, possesses or consumes any alcoholic beverage, light wine
42 or beer if the adult knows that the minor has obtained, possesses
43 or is consuming alcoholic beverages, light wine or beer.



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

47 (4) Each incident in violation of subsection (2) of this
48 section or any part of subsection (2) * * * shall only constitute
49 a separate offense when each incident occurs at a different party.

50 (5) * * * Any person who violates subsection (2) of this
51 section shall be guilty of a misdemeanor and, upon conviction
52 thereof, shall be punished by a fine of One Thousand Dollars
53 (\$1,000.00) or by imprisonment in the county jail for not more
54 than ninety (90) days, or by both the fine and imprisonment, in
55 the discretion of the court.

56 * * *

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



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

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

