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Chapter No. 435
11/SS02/R928CS.1
JW / bw/esg

SENATE BILL NO. 2597

Originated in Senate _____ Secretary

SENATE BILL NO. 2597

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Any person under the age of twenty-one (21) years who falsely states he is twenty-one (21) years of age or older or presents any document that indicates he is twenty-one (21) years of age or older for the purpose of purchasing or possessing any light wine or beer shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Two

Hundred Dollars ($200.00) nor more than Five Hundred Dollars ($500.00) and a sentence to not more than thirty (30) days community service.

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

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

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

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

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

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

PASSED BY THE SENATE
February 9, 2011

PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 1, 2011

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

GOVERNOR

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