

By: Senator(s) Blount

To: Judiciary, Division A

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2597

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

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

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

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

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

14 (c) "Beer" has the meaning as defined in Section  
15 67-3-3.

16 (d) "Light wine" means wine containing five percent  
17 (5%) or less of alcohol by weight.

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

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

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

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

27 (i) "Wine" has the meaning as defined in Section  
28 67-1-5.



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

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

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

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

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

49           67-3-70. (1) Except as otherwise provided by Section  
50 67-3-54, any person under the age of twenty-one (21) years who  
51 purchases or possesses any light wine or beer shall be guilty of a  
52 misdemeanor, and upon conviction shall be punished by a fine of  
53 not less than Two Hundred Dollars (\$200.00) nor more than Five  
54 Hundred Dollars (\$500.00) and a sentence to not more than thirty  
55 (30) days community service.

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



62 Hundred Dollars (\$200.00) nor more than Five Hundred Dollars  
63 (\$500.00) and a sentence to not more than thirty (30) days  
64 community service.

65 (3) Except as otherwise provided by Section 67-3-54, any  
66 person who knowingly purchases light wine or beer for, or  
67 gives \* \* \* light wine or beer to a person under the age of  
68 twenty-one (21) years, shall be guilty of a misdemeanor and upon  
69 conviction shall be punished by a fine of not less than Two  
70 Hundred Dollars (\$200.00) nor more than Five Hundred Dollars  
71 (\$500.00) and a sentence to not more than thirty (30) days  
72 community service. The punishment provided under this subsection  
73 shall not be applicable to violations of Section 1 of this act.

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

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



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

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

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

