HOUSE BILL NO. 798
(As Sent to Governor)

AN ACT TO AMEND SECTION 67-1-57, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN APPLICANT FOR AN ALCOHOLIC BEVERAGE LICENSE MUST SUBMIT A SET OF FINGERPRINTS, OF THE APPLICANT AND ANY EMPLOYEE OF THE APPLICANT, TO THE CHAIRMAN OF THE STATE TAX COMMISSION WHO SHALL FORWARD THE FINGERPRINTS TO THE MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY; TO PROVIDE THAT IF NO DISQUALIFYING INFORMATION IS IDENTIFIED AT THE STATE LEVEL, THE MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY SHALL FORWARD THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORD CHECK; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 67-1-57, Mississippi Code of 1972, is amended as follows:

67-1-57. Before a permit is issued the commission shall satisfy itself:

(a) That the applicant, if an individual, or if a partnership, each of the members of the partnership, or if a corporation, each of its principal officers and directors, is of good moral character and, in addition, enjoys a reputation of being a peaceable, law-abiding citizen of the community in which he resides, and is generally fit for the trust to be reposed in him, is not less than twenty-one (21) years of age, and has not been convicted of a felony in any state or federal court.

(b) That, except in the case of an application for a solicitor's permit, the applicant is the true and actual owner of the business for which the permit is desired, and that he intends to carry on the business authorized for himself and not as the agent of any other person, and that he intends to superintend in person the management of said business or that he will designate a manager to manage the business for him; any such manager must be
approved by the commission and must possess all of the
qualifications required of a permittee.

(c) That the applicant for a package retailer's permit,
if an individual, is a resident of the State of Mississippi. If
the applicant is a partnership, each member of the partnership
must be a resident of the state. If the applicant is a
corporation, the designated manager of the corporation must be a
resident of the state.

(d) That the place for which the permit is to be issued
is an appropriate one considering the character of the premises
and the surrounding neighborhood.

(e) That the place for which the permit is to be issued
is within the corporate limits of an incorporated municipality or
qualified resort area or club which comes within the provisions of
this chapter.

(f) That the applicant is not indebted to the state for
any taxes, fees or payment of penalties imposed by any law of the
State of Mississippi or by any rule or regulation of the
commission.

(g) That the applicant is not in the habit of using
alcoholic beverages to excess and is not physically or mentally
incapacitated, and that the applicant has the ability to read and
write the English language.

(h) That the commission does not believe and has no
reason to believe that the applicant will sell or knowingly permit
any agent, servant or employee to unlawfully sell liquor in a dry
area or in any other manner contrary to law.

(i) That the applicant is not residentially domiciled
with any person whose permit or license has been cancelled for
cause within the twelve (12) months next preceding the date of the
present application for a permit.

(j) That the commission has not, in the exercise of its
discretion which is reserved and preserved to it, refused to grant
such permits under the restrictions of this section, as well as
under any other pertinent provision of this chapter.

(k) That there are not sufficient legal reasons to deny
a permit on the ground that the premises for which the permit is
sought has previously been operated, used or frequented for any
purpose or in any manner that is lewd, immoral or offensive to
public decency. In the granting or withholding of any permit to
sell alcoholic beverages at retail, the commission in forming its
conclusions may give consideration to any recommendations made in
writing by the district or county attorney or county, circuit or
chancery judge of the county, or the sheriff of the county, or the
mayor or chief of police of an incorporated city or town wherein
the applicant proposes to conduct his business and to any
recommendations made by representatives of the commission.

(l) That the applicant and the applicant's key
employees, as determined by the commission, do not have a
disqualifying criminal record. In order to obtain a criminal
record history check, the applicant shall submit to the commission
a set of fingerprints from any local law enforcement agency for
each person for whom the records check is required. The
commission shall forward the fingerprints to the Mississippi
Department of Public Safety. If no disqualifying record is
identified at the state level, the Department of Public Safety
shall forward the fingerprints to the Federal Bureau of
Investigation for a national criminal history record check. Costs
for processing the set or sets of fingerprints shall be borne by
the applicant. The commission shall not deny employment to an
employee of the applicant prior to the identification of a
disqualifying record or other disqualifying information.

SECTION 2. This act shall take effect and be in force from
and after its passage.