

By: Representative Reeves

To: Ways and Means

HOUSE BILL NO. 1011

1 AN ACT TO AMEND SECTION 67-3-53, MISSISSIPPI CODE OF 1972, TO  
 2 PROVIDE THAT IT SHALL BE UNLAWFUL FOR THE HOLDER OF A PERMIT TO  
 3 SELL BEER OR LIGHT WINE AT RETAIL TO ALLOW PERSONS UNDER THE AGE  
 4 OF 21 NOT IN THE COMPANY OF A PARENT, GUARDIAN OR SPOUSE WHO IS AT  
 5 LEAST 21 YEARS OF AGE ON THE LICENSED PREMISES OF AN ESTABLISHMENT  
 6 WHERE LIGHT WINE, BEER OR DISTILLED SPIRITS ARE ALLOWED TO BE  
 7 CONSUMED ON THE PREMISES UNLESS SUCH ESTABLISHMENT IS REGULARLY  
 8 USED FOR THE SERVING OF MEALS TO GUESTS; TO AMEND SECTION 67-3-69,  
 9 MISSISSIPPI CODE OF 1972, TO INCREASE THE PENALTIES FOR CONVICTION  
 10 OF THE HOLDER OF A PERMIT TO SELL BEER OR LIGHT WINE AT RETAIL OF  
 11 UNLAWFULLY SELLING BEER OR LIGHT WINE TO A MINOR; TO REQUIRE EVERY  
 12 PERSON WHO IS EMPLOYED BY A PREMISES LICENSED TO SELL BEER OR  
 13 LIGHT WINE TO BE INFORMED AT THE TIME OF HIRING BY THE EMPLOYER OF  
 14 THE POSSIBLE PENALTIES THAT MAY BE IMPOSED FOR UNLAWFULLY SELLING  
 15 BEER OR LIGHT WINE TO A MINOR; TO AMEND SECTION 67-3-70,  
 16 MISSISSIPPI CODE OF 1972, TO INCREASE THE PENALTIES FOR CONVICTION  
 17 OF A MINOR OF UNLAWFULLY PURCHASING OR POSSESSING BEER OR LIGHT  
 18 WINE AND TO PROVIDE FOR SUSPENSION OF SUCH MINOR'S DRIVER'S  
 19 LICENSE; TO BRING FORWARD SECTION 67-1-81, MISSISSIPPI CODE OF  
 20 1972, WHICH PRESCRIBES PENALTIES FOR THE SALE OF ALCOHOLIC  
 21 BEVERAGES TO A MINOR; AND FOR RELATED PURPOSES.

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

23 **SECTION 1.** Section 67-3-53, Mississippi Code of 1972, is  
 24 amended as follows:

25 67-3-53. In addition to any act declared to be unlawful by  
 26 this chapter, or by Sections 27-71-301 through 27-71-347, and  
 27 Sections 67-3-17, 67-3-27, 67-3-29 and 67-3-57, it shall be  
 28 unlawful for the holder of a permit authorizing the sale of beer  
 29 or light wine at retail or for the employee of the holder of such  
 30 a permit:

31 (a) To sell or give to be consumed in or upon any  
 32 licensed premises any beer or light wine between the hours of  
 33 midnight and seven o'clock the following morning or during any  
 34 time the licensed premises may be required to be closed by  
 35 municipal ordinance or order of the board of supervisors;  
 36 provided, however, in areas where the sale of alcoholic beverages



37 is legal under the provisions of the Local Option Alcoholic  
38 Beverage Control Law and the hours for selling such alcoholic  
39 beverages have been extended beyond midnight for on-premises  
40 permittees under Section 67-1-37, the hours for selling beer or  
41 light wines are likewise extended in areas where the sale of beer  
42 and light wines is legal in accordance with the provisions of this  
43 chapter.

44 (b) To sell, give or furnish any beer or light wine to  
45 any person visibly or noticeably intoxicated, or to any insane  
46 person, or to any habitual drunkard, or to any person under the  
47 age of twenty-one (21) years.

48 (c) To permit in the premises any lewd, immoral or  
49 improper entertainment, conduct or practices.

50 (d) To permit loud, boisterous or disorderly conduct of  
51 any kind upon the premises or to permit the use of loud musical  
52 instruments if either or any of the same may disturb the peace and  
53 quietude of the community wherein such business is located.

54 (e) To permit persons of ill repute, known criminals,  
55 prostitutes or minors to frequent the licensed premises, except  
56 minors accompanied by parents or guardians, or under proper  
57 supervision.

58 (f) To permit or suffer illegal gambling or the  
59 operation of illegal games of chance upon the licensed premises.

60 (g) To receive, possess or sell on the licensed  
61 premises any beverage of any kind or character containing more  
62 than five percent (5%) of alcohol by weight unless the licensee  
63 also possesses an on-premises permit under the Local Option  
64 Alcoholic Beverage Control Law.

65 (h) To allow any person under the age of twenty-one  
66 (21) years not in the company of a parent, guardian or spouse who  
67 is at least twenty-one (21) years of age upon the licensed  
68 premises of an establishment where beer, light wine or distilled  
69 spirits are allowed to be consumed on the premises unless such



70 establishment is regularly used and kept open for the serving of  
71 meals to guests for compensation and which has suitable seating  
72 facilities for guests.

73 **SECTION 2.** Section 67-3-69, Mississippi Code of 1972, is  
74 amended as follows:

75 67-3-69. (1) Except as to Sections 67-3-17, 67-3-23,  
76 67-3-27, 67-3-55 and 67-3-57, any violation of any provision of  
77 this chapter or of any rule or regulation of the commissioner,  
78 shall be a misdemeanor and, where the punishment therefor is not  
79 elsewhere prescribed herein, shall be punished by a fine of not  
80 more than Five Hundred Dollars (\$500.00) or imprisonment for not  
81 more than six (6) months, or both, in the discretion of the court.  
82 If any person so convicted shall be the holder of any permit or  
83 license issued by the commissioner under authority of this  
84 chapter, such permit or license shall from and after the date of  
85 such conviction be void and the holder thereof shall not  
86 thereafter, for a period of one (1) year from the date of such  
87 conviction, be entitled to any permit or license for any purpose  
88 authorized by this chapter. Upon conviction of the holder of any  
89 permit or license, the appropriate law enforcement officer shall  
90 seize the permit or license and transmit it to the commissioner.

91 (2) (a) Any person who shall violate any provision of  
92 Sections 67-3-17, 67-3-23, 67-3-27 or 67-3-55 shall be guilty of a  
93 misdemeanor, and upon conviction thereof shall be punished by a  
94 fine of not more than Five Hundred Dollars (\$500.00) or by  
95 imprisonment in the county jail for not more than six (6) months,  
96 or by both such fine and imprisonment, in the discretion of the  
97 court.

98 (b) Any person who shall violate any provision of  
99 Section 67-3-57 shall be guilty of a misdemeanor, and upon  
100 conviction thereof, shall be punished by a fine of not more than  
101 One Thousand Dollars (\$1,000.00) or by imprisonment in the county  
102 jail for not more than one (1) year, or by both, in the discretion



103 of the court. Any person convicted of violating any provision of  
104 the sections referred to in this subsection shall forfeit his  
105 permit, and shall not thereafter be permitted to engage in any  
106 business taxable under the provisions of Sections 27-71-301  
107 through 27-71-347.

108 (3) If the holder of a permit, or the employee of the holder  
109 of a permit, shall be convicted of selling any beer or wine to any  
110 person under the age of twenty-one (21) years from the licensed  
111 premises in violation of Section 67-3-53(b), then, in addition to  
112 any other penalty provided for by law, the holder of the permit  
113 may be punished as follows:

114 (a) For the first offense on the licensed premises, the  
115 holder of the permit shall be fined in an amount not less than One  
116 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars  
117 (\$500.00), imprisoned for a term of not less than six (6) months  
118 nor more than one (1) year, and \* \* \* the sale of beer or wine on  
119 the premises from which the sale occurred may be prohibited for  
120 three (3) months.

121 (b) For a second offense occurring on the licensed  
122 premises within twelve (12) months of the first offense, the  
123 holder of the permit shall be fined in an amount not less than  
124 Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars  
125 (\$1,000.00), imprisoned for a term of not less than one (1) year  
126 nor more than three (3) years, and \* \* \* the sale of beer or wine  
127 on the premises from which the sale occurred may be prohibited for  
128 six (6) months.

129 (c) For a third or subsequent offense occurring on the  
130 licensed premises within twelve (12) months of the first, the  
131 holder of the permit shall be fined in an amount not less than One  
132 Thousand Dollars (1,000.00) nor more than Five Thousand Dollars  
133 (\$5,000.00), imprisoned for a term of not less than three (3)  
134 years nor more than five (5) years, and \* \* \* the sale of beer or



135 wine on the premises from which the sale occurred may be  
136 prohibited for one (1) year.

137 (4) A person who sells any beer or wine to a person under  
138 the age of twenty-one (21) years shall not be guilty of a  
139 violation of Section 67-3-53(b) if the person under the age of  
140 twenty-one (21) years represents himself to be twenty-one (21)  
141 years of age or older by displaying an apparently valid  
142 Mississippi driver's license containing a physical description  
143 consistent with his appearance or by displaying some other  
144 apparently valid identification document containing a picture and  
145 physical description consistent with his appearance for the  
146 purpose of inducing the person to sell beer or wine to him. Every  
147 person who is employed by a premises licensed to sell beer or  
148 light wine shall be informed at the time of hiring by the employer  
149 of the possible penalties that may be imposed for unlawfully  
150 selling beer or light wine to a minor.

151 (5) If the holder of a permit to operate a brewpub is  
152 convicted of violating the provisions of Section 67-3-22(3), then,  
153 in addition to any other provision provided for by law, the holder  
154 of the permit shall be punished as follows:

155 (a) For the first offense, the holder of a permit to  
156 operate a brewpub may be fined in an amount not to exceed Five  
157 Hundred Dollars (\$500.00).

158 (b) For a second offense occurring within twelve (12)  
159 months of the first offense, the holder of a permit to operate a  
160 brewpub may be fined an amount not to exceed One Thousand Dollars  
161 (\$1,000.00).

162 (c) For a third or subsequent offense occurring within  
163 twelve (12) months of the first offense, the holder of a permit to  
164 operate a brewpub may be fined an amount not to exceed Five  
165 Thousand Dollars (\$5,000.00) and the permit to operate a brewpub  
166 shall be suspended for thirty (30) days.



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

169           67-3-70. (1) Except as otherwise provided by Section  
170 67-3-54, any person under the age of twenty-one (21) years who  
171 purchases or possesses any light wine or beer shall be guilty of a  
172 misdemeanor, and upon conviction shall be punished by a fine of  
173 not less than Five Hundred Dollars (\$500.00) nor more than Two  
174 Thousand Dollars (\$2,000.00), by a sentence to not less than  
175 twenty (20) days nor more than one hundred thirty (130) days of  
176 community service, and by suspension of the driver's license and  
177 driving privileges of such person for not less than six (6) months  
178 nor more than one (1) year.

179           (2) Any person under the age of twenty-one (21) years who  
180 falsely states he is twenty-one (21) years of age or older or  
181 presents any document that indicates he is twenty-one (21) years  
182 of age or older for the purpose of purchasing or possessing any  
183 light wine or beer shall be guilty of a misdemeanor, and upon  
184 conviction shall be punished by a fine of not less than  
185 Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars  
186 (\$500.00) and/or a sentence to not more than thirty (30) days  
187 community service.

188           (3) Except as otherwise provided by Section 67-3-54, any  
189 person who knowingly purchases light wine or beer for, or gives or  
190 makes available light wine or beer to a person under the age of  
191 twenty-one (21) years, shall be guilty of a misdemeanor and upon  
192 conviction shall be punished by a fine of not less than One  
193 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars  
194 (\$500.00) and/or a sentence to not more than thirty (30) days  
195 community service.

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



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

210 **SECTION 4.** Section 67-1-81, Mississippi Code of 1972, is  
211 brought forward as follows:

212 67-1-81. Any permittee or other person who shall sell,  
213 furnish, dispose of, give, or cause to be sold, furnished,  
214 disposed of, or given, any alcoholic beverage to any person under  
215 the age of twenty-one (21) years shall be guilty of a misdemeanor  
216 and shall be punished by a fine of not less than Five Hundred  
217 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00)  
218 for a first offense. For a second or subsequent offense, such  
219 permittee or other person shall be punished by a fine of not less  
220 than One Thousand Dollars (\$1,000.00) nor more than Two Thousand  
221 Dollars (\$2,000.00), or by imprisonment for not more than one (1)  
222 year, or by both such fine and imprisonment in the discretion of  
223 the court. Upon conviction of a second offense under the  
224 provisions of this section the permit of any permittee so  
225 convicted shall be automatically and permanently revoked.

226 Any person under the age of twenty-one (21) years who  
227 purchases, receives, or has in his or her possession in any public  
228 place, any alcoholic beverages, shall be guilty of a misdemeanor  
229 and shall be punished by a fine of not more than One Hundred  
230 Dollars (\$100.00). Provided, that clearing or busing tables that  
231 have glasses or other containers that contain or did contain  
232 alcoholic beverages, or stocking, bagging or otherwise handling



233 purchases of alcoholic beverages shall not be deemed possession of  
234 alcoholic beverages for the purposes of this section. Provided  
235 further, that a person who is at least eighteen (18) years of age  
236 but under the age of twenty-one (21) years who waits on tables by  
237 taking orders for or delivering orders of alcoholic beverages  
238 shall not be deemed to unlawfully possess or furnish alcoholic  
239 beverages if in the scope of his employment by the holder of an  
240 on-premises retailer's permit. This exception shall not authorize  
241 a person under the age of twenty-one (21) to tend bar or act in  
242 the capacity of bartender. Any person under the age of twenty-one  
243 (21) who knowingly makes a false statement to the effect that he  
244 or she is twenty-one (21) years old or older to any person engaged  
245 in the sale of alcoholic beverages for the purpose of obtaining  
246 the same shall be guilty of a misdemeanor and shall be punished by  
247 a fine of not more than Two Hundred Dollars (\$200.00), and on  
248 failure to pay such fine and all costs shall be imprisoned for not  
249 less than five (5) nor more than thirty (30) days in the county  
250 jail.

251       **SECTION 5.** This act shall take effect and be in force from  
252 and after July 1, 2002.

