

By: Senator(s) Minor

To: Judiciary

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2851

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

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

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

14 67-1-57. Before a permit is issued the commission shall
15 satisfy itself:

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

24 (b) That, except in the case of an application for a
25 solicitor's permit, the applicant is the true and actual owner of
26 the business for which the permit is desired, and that he intends
27 to carry on the business authorized for himself and not as the
28 agent of any other person, and that he intends to superintend in
29 person the management of said business or that he will designate a
30 manager to manage the business for him; any such manager must be



31 approved by the commission and must possess all of the
32 qualifications required of a permittee.

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

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

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

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

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

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

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

62 (j) That the commission has not, in the exercise of its
63 discretion which is reserved and preserved to it, refused to grant



64 such permits under the restrictions of this section, as well as
65 under any other pertinent provision of this chapter.

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

78 (l) That no criminal record of the applicant or any of
79 applicant's employees exists.

80 (i) In order to determine the applicant's
81 suitability for a license, the applicant shall submit a set of
82 fingerprints, of the applicant as well as any employee of the
83 applicant, from any local law enforcement agency to the Chairman
84 of the State Tax Commission who shall forward the fingerprints to
85 the Mississippi Department of Public Safety. If no disqualifying
86 record is identified at the state level, the Mississippi
87 Department of Public Safety shall forward the fingerprints to the
88 Federal Bureau of Investigation for a national criminal history
89 record check. Costs for processing the set or sets of
90 fingerprints shall be borne by the applicant.

91 (ii) The State Tax Commission shall allow an
92 employee of the applicant to be employed by the applicant during
93 the pendency of the background check. If a disqualifying record
94 is identified within six (6) months of the filing of the
95 employee's application, the commission shall deny the employee's
96 employment by the applicant.



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

