

By: Representative Warren

To: Ways and Means

HOUSE BILL NO. 245

1 AN ACT TO AMEND SECTION 67-3-74, MISSISSIPPI CODE OF 1972, TO
2 EXTEND THE REPEALER ON THE ALCOHOLIC BEVERAGE CONTROL DIVISION
3 OFFICERS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 67-3-74, Mississippi Code of 1972, is
6 reenacted and amended as follows:

7 67-3-74. (1) In addition to peace officers within their
8 jurisdiction, all enforcement officers of the Alcoholic Beverage
9 Control Division of the State Tax Commission are authorized to
10 enforce the provisions made unlawful by Sections 67-3-13, 67-3-15,
11 67-3-53 and 67-3-70; provided, however, that the provisions
12 prohibiting the sale of light wine or beer to persons under the
13 age of twenty-one (21) years shall be enforced by the division as
14 provided for in this section.

15 (2) (a) The Alcoholic Beverage Control Division shall
16 investigate violations of the laws prohibiting the sale of light
17 wine or beer to persons under the age of twenty-one (21) years
18 upon receipt of a complaint or information from a person stating
19 that they have knowledge of such violation.

20 (b) Upon receipt of such complaint or information, the
21 Alcoholic Beverage Control Division shall notify the permit holder
22 of the complaint by certified mail to the primary business office
23 of such permit holder or by hand delivery of the complaint or
24 information to the primary business office of such holder, except
25 in cases where the complaint or information is received from any
26 law enforcement officer.

27 (c) If an enforcement officer of the Alcoholic Beverage
28 Control Division enters the business of the holder of the permit
29 to investigate a complaint and discovers a violation, the agent
30 shall notify the person that committed the violation and the
31 holder of the permit:

32 (i) Within ten (10) days after such violation,
33 Sundays and holidays excluded, if the business sells light wine or
34 beer for on-premises consumption; and

35 (ii) Within seventy-two (72) hours after such
36 violation, Sundays and holidays excluded, if the business does not
37 sell light wine or beer for on-premises consumption.

38 (3) The provisions of this section shall be repealed on July
39 1, 2007.

40 **SECTION 2.** This act shall take effect and be in force from
41 and after July 1, 2005.