

**Adopted
AMENDMENT NO 1 TO COMMITTEE AMENDMENT NO 1 PROPOSED
TO**

House Bill No. 245

BY: Senator(s) Robertson

1 **AMEND** by inserting the following after line 391 and renumber
2 subsequent section(s) accordingly:

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

5 67-3-69. (1) Except as to Sections 67-3-17, 67-3-23,
6 67-3-27, 67-3-55 and 67-3-57, any violation of any provision of
7 this chapter or of any rule or regulation of the commissioner,
8 shall be a misdemeanor and, where the punishment therefor is not
9 elsewhere prescribed in this section, shall be punished by a fine
10 of not more than Five Hundred Dollars (\$500.00) or imprisonment
11 for not more than six (6) months, or both, in the discretion of
12 the court. If any person so convicted shall be the holder of any
13 permit or license issued by the commissioner under authority of
14 this chapter, the permit or license shall from and after the date
15 of such conviction be void and the holder thereof shall not
16 thereafter, for a period of one (1) year from the date of such
17 conviction, be entitled to any permit or license for any purpose
18 authorized by this chapter. Upon conviction of the holder of any
19 permit or license, the appropriate law enforcement officer shall
20 seize the permit or license and transmit it to the commissioner.

21 (2) (a) Any person who shall violate any provision of
22 Section 67-3-17, 67-3-23, 67-3-27 or 67-3-55 shall be guilty of a

23 misdemeanor, and upon conviction thereof shall be punished by a
24 fine of not more than Five Hundred Dollars (\$500.00) or by
25 imprisonment in the county jail for not more than six (6) months,
26 or by both such fine and imprisonment, in the discretion of the
27 court.

28 (b) Any person who shall violate any provision of
29 Section 67-3-57 shall be guilty of a misdemeanor, and upon
30 conviction thereof, shall be punished by a fine of not more than
31 One Thousand Dollars (\$1,000.00) or by imprisonment in the county
32 jail for not more than one (1) year, or by both, in the discretion
33 of the court. Any person convicted of violating any provision of
34 the sections referred to in this subsection shall forfeit his
35 permit, and shall not thereafter be permitted to engage in any
36 business taxable under the provisions of Sections 27-71-301
37 through 27-71-347.

38 (3) If the holder of a permit, or the employee of the holder
39 of a permit, shall be convicted of selling any beer or wine to
40 anyone who is visibly intoxicated from the licensed premises or to
41 any person under the age of twenty-one (21) years from the
42 licensed premises in violation of Section 67-3-53(b), then, in
43 addition to any other penalty provided for by law, the
44 commissioner may impose the following penalties against the holder
45 of a permit:

46 (a) For the first offense on the licensed premises, by
47 a fine of not less than Five Hundred Dollars (\$500.00) nor more
48 than One Thousand Dollars (\$1,000.00) and/or suspension of the
49 permit for not more than three (3) months.

50 (b) For a second offense occurring on the licensed
51 premises within twelve (12) months of the first offense, by a fine
52 of not less than Five Hundred Dollars (\$500.00) nor more than Two
53 Thousand Dollars (\$2,000.00) and/or suspension of the permit for
54 not more than six (6) months.

55 (c) For a third * * * offense occurring on the licensed
56 premises within twelve (12) months of the first, by a fine of not
57 less than Two Thousand Dollars (\$2,000.00) nor more than Five
58 Thousand Dollars (\$5,000.00) and/or suspension or revocation of
59 the permit to sell beer or light wine * * *.

60 (d) For a fourth or subsequent offense occurring on the
61 licensed premises within twelve (12) months of the first, by a
62 fine of not less than Two Thousand Dollars (\$2,000.00) nor more
63 than Five Thousand Dollars (\$5,000.00) and/or suspension or
64 revocation of the permit to sell beer or light wine.

65 (4) A person who sells any beer or wine to a person under
66 the age of twenty-one (21) years shall not be guilty of a
67 violation of Section 67-3-53(b) if the person under the age of
68 twenty-one (21) years represents himself to be twenty-one (21)
69 years of age or older by displaying an apparently valid
70 Mississippi driver's license containing a physical description
71 consistent with his appearance or by displaying some other
72 apparently valid identification document containing a picture and
73 physical description consistent with his appearance for the
74 purpose of inducing the person to sell beer or wine to him.

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

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

82 (b) For a second offense occurring within twelve (12)
83 months of the first offense, the holder of a permit to operate a
84 brewpub may be fined an amount not to exceed One Thousand Dollars
85 (\$1,000.00).

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

91 **FURTHER, AMEND line 6 of the title by inserting the following**
92 **after the semicolon:**

93 TO AMEND SECTION 67-3-69, MISSISSIPPI CODE OF 1972, TO REVISE THE
94 ADMINISTRATIVE PENALTIES THAT MAY BE IMPOSED BY THE STATE TAX
95 COMMISSION FOR THE SALE OF LIGHT BEER OR WINE TO A PERSON WHO IS
96 VISIBLY INTOXICATED OR WHO IS UNDER THE AGE OF 21 YEARS;