

By: Representative Warren

To: Ways and Means

## HOUSE BILL NO. 564

1 AN ACT TO AMEND SECTION 67-3-74, MISSISSIPPI CODE OF 1972, TO  
2 EXTEND THE DATE OF REPEAL FOR THE PROVISION OF LAW WHICH REGULATES  
3 THE AUTHORITY OF ENFORCEMENT OFFICERS OF THE ALCOHOLIC BEVERAGE  
4 CONTROL DIVISION OF THE STATE TAX COMMISSION; AND FOR RELATED  
5 PURPOSES.

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

7 **SECTION 1.** Section 67-3-74, Mississippi Code of 1972, is  
8 amended as follows:

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

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

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

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

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

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

40                   (3) The provisions of this section shall be repealed on July  
41 1, 2009.

42                   **SECTION 2.** This act shall take effect and be in force from  
43 and after July 1, 2007.