

By: Senator(s) Robertson

To: Finance

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2370

1 AN ACT TO AMEND SECTION 67-1-25, MISSISSIPPI CODE OF 1972, TO  
2 REMOVE THE PROVISION THAT REQUIRES THAT PERSONS APPOINTED  
3 DIRECTOR, AGENT OR INSPECTOR FOR THE STATE TAX COMMISSION UNDER  
4 THE LOCAL OPTION ALCOHOLIC BEVERAGES CONTROL LAW MUST HAVE RESIDED  
5 WITHIN THE STATE OF MISSISSIPPI FOR THE FIVE SUCCESSIVE YEARS  
6 PRECEDING THE DATE OF THEIR APPOINTMENT; TO AMEND SECTION 67-3-19,  
7 MISSISSIPPI CODE OF 1972, TO REMOVE THE PROVISION THAT REQUIRES A  
8 MANAGER OR EMPLOYEE OF A LICENSED PREMISES UNDER THE LIGHT WINE  
9 AND BEER LAWS TO BE A RESIDENT OF MISSISSIPPI IF HE IS ALSO AN  
10 OFFICER, DIRECTOR OR SHAREHOLDER IN A CORPORATION THAT IS THE  
11 HOLDER OF THE PERMIT FOR THE LICENSED PREMISES; TO AMEND SECTIONS  
12 67-1-37, 67-3-31, 67-3-37 AND 67-3-74, MISSISSIPPI CODE OF 1972,  
13 TO EXTEND UNTIL JULY 1, 2011, THE REPEAL DATE ON THE PROVISIONS  
14 THAT ALLOW THE ENFORCEMENT AGENTS OF THE ALCOHOLIC BEVERAGE  
15 CONTROL DIVISION OF THE STATE TAX COMMISSION TO ENFORCE CERTAIN  
16 PROVISIONS OF THE LIGHT WINE AND BEER LAWS AND TO AUTHORIZE SUCH  
17 AGENTS TO ENFORCE PROVISIONS OF THE LIGHT WINE AND BEER LAW THAT  
18 PROHIBIT RETAILERS FROM POSSESSING OR SELLING LIGHT WINE OR BEER  
19 BEFORE THEY HAVE SECURED A PERMIT OR DURING THE TIME THEIR PERMIT  
20 IS REVOKED OR SUSPENDED; TO FURTHER AMEND SECTION 67-1-37,  
21 MISSISSIPPI CODE OF 1972, TO CLARIFY THE PROVISIONS RELATING TO  
22 THE SALE OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE CAMPUS OF  
23 PUBLIC SCHOOLS, COMMUNITY OR JUNIOR COLLEGES, COLLEGES OR  
24 UNIVERSITIES, AND THE PROHIBITION AGAINST THE SALE OR CONSUMPTION  
25 OF ALCOHOLIC BEVERAGES AT ANY PUBLIC ATHLETIC EVENT AT PUBLIC  
26 SCHOOLS, COMMUNITY OR JUNIOR COLLEGES, COLLEGES OR UNIVERSITIES;  
27 AND FOR RELATED PURPOSES.

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

29 **SECTION 1.** Section 67-1-25, Mississippi Code of 1972, is  
30 amended as follows:

31 67-1-25. No person shall be appointed director, agent or  
32 inspector for the commission under this chapter who is not a  
33 citizen of the United States \* \* \*. No director, agent, inspector  
34 or other employee shall be appointed under this chapter who has  
35 been convicted of any violation of any federal or state law  
36 concerning the manufacture, sale or possession of alcoholic liquor  
37 prior or subsequent to July 1, 1966, or who has paid a fine or  
38 penalty in settlement of any prosecution against him for any  
39 violation of such laws or shall have forfeited his bond to appear

40 in court to answer charges for any such violation, nor shall any  
41 person be so appointed who has been convicted of a felony in any  
42 state or federal court. No person appointed or employed by the  
43 commission under this chapter may, directly or indirectly,  
44 individually or as a member of a partnership or limited liability  
45 company, or as a shareholder of a corporation, have any interest  
46 whatsoever in the manufacture, sale or distribution of alcoholic  
47 liquor, or receive any compensation or profit therefrom, or have  
48 any interest whatsoever in the purchases or sales made by the  
49 persons authorized by this chapter to purchase or to sell  
50 alcoholic liquor.

51 This section shall not prevent any person appointed or  
52 employed by the commission from purchasing and keeping in his  
53 possession for the use of himself or members of his family or  
54 guests any alcoholic liquor which may be purchased or kept by any  
55 other person by virtue of this chapter.

56 **SECTION 2.** Section 67-3-19, Mississippi Code of 1972, is  
57 amended as follows:

58 67-3-19. Where application is made for a permit to engage in  
59 the business of a retailer of light wine or beer, the applicant  
60 shall show in his application that he possesses the following  
61 qualifications:

62 (a) Applicant must be a person at least twenty-one (21)  
63 years of age, of good moral character and a resident of the State  
64 of Mississippi.

65 (b) Applicant shall not have been convicted of a  
66 felony, or of pandering or of keeping or maintaining a house of  
67 prostitution, or have been convicted within two (2) years of the  
68 date of his application of any violation of the laws of this state  
69 or the laws of the United States relating to alcoholic liquor.

70 (c) Applicant shall not have had revoked, except for a  
71 violation of Section 67-3-52, within two (2) years next preceding  
72 his application, any license or permit issued to him pursuant to

73 the laws of this state, or any other state, to sell alcoholic  
74 liquor of any kind.

75 (d) Applicant shall be the owner of the premises for  
76 which the permit is sought or the holder of an existing lease  
77 thereon.

78 (e) Applicant shall not be residentially domiciled with  
79 any person whose permit has been revoked for cause, except for a  
80 violation of Section 67-3-52, within two (2) years next preceding  
81 the date of the present application for a permit.

82 (f) The applicant has not had any license or permit to  
83 sell beer or light wine at retail revoked, within five (5) years  
84 next preceding his application, due to a violation of Section  
85 67-3-52.

86 (g) Applicant shall not employ any person whose permit  
87 has been revoked when such person owned or operated the business  
88 on the premises for which a permit is sought or allow such person  
89 to have any financial interest in the business of the applicant,  
90 until such person is qualified to obtain a permit in his own name.

91 (h) The applicant is not indebted to the State of  
92 Mississippi for any taxes.

93 (i) If applicant is a partnership, all members of the  
94 partnership must be qualified to obtain a permit. Each member of  
95 the partnership must be a resident of the State of Mississippi.

96 (j) If applicant is a corporation, all officers and  
97 directors thereof, and any stockholder owning more than five  
98 percent (5%) of the stock of such corporation, and the person or  
99 persons who shall conduct and manage the licensed premises for the  
100 corporation shall possess all the qualifications required herein  
101 for any individual permittee. However, the requirements as to  
102 residence shall not apply to officers, directors and stockholders  
103 of such corporation \* \* \*.

104 Any misstatement or concealment of fact in an application  
105 shall be ground for denial of the application or for revocation of  
106 the permit issued thereon.

107 The commissioner may refuse to issue a permit to an applicant  
108 for a place that is frequented by known criminals, prostitutes, or  
109 other law violators or troublemakers who disturb the peace and  
110 quietude of the community and frequently require the assistance of  
111 peace officers to apprehend such law violators or to restore  
112 order. The burden of proof of establishing the foregoing shall  
113 rest upon the commissioner.

114 **SECTION 3.** Section 67-1-37, Mississippi Code of 1972, is  
115 amended as follows:

116 **[Until July 1, 2011, this section will read as follows:]**

117 67-1-37. (1) The State Tax Commission, under its duties and  
118 powers with respect to the Alcoholic Beverage Control Division  
119 therein, shall have the following powers, functions and duties:

120 (a) To issue or refuse to issue any permit provided for  
121 by this chapter, or to extend the permit or remit in whole or any  
122 part of the permit monies when the permit cannot be used due to a  
123 natural disaster or Act of God.

124 (b) To revoke, suspend or cancel, for violation of or  
125 noncompliance with the provisions of this chapter, or the law  
126 governing the production and sale of native wines, or any lawful  
127 rules and regulations of the commission issued hereunder, or for  
128 other sufficient cause, any permit issued by it under the  
129 provisions of this chapter; however, no such permit shall be  
130 revoked, suspended or cancelled except after a hearing of which  
131 the permit holder shall have been given reasonable notice and an  
132 opportunity to be heard. The board shall be authorized to suspend  
133 the permit of any permit holder for being out of compliance with  
134 an order for support, as defined in Section 93-11-153. The  
135 procedure for suspension of a permit for being out of compliance  
136 with an order for support, and the procedure for the reissuance or

137 reinstatement of a permit suspended for that purpose, and the  
138 payment of any fees for the reissuance or reinstatement of a  
139 permit suspended for that purpose, shall be governed by Section  
140 93-11-157 or Section 93-11-163, as the case may be. If there is  
141 any conflict between any provision of Section 93-11-157 or Section  
142 93-11-163 and any provision of this chapter, the provisions of  
143 Section 93-11-157 or Section 93-11-163, as the case may be, shall  
144 control.

145 (c) To prescribe forms of permits and applications for  
146 permits and of all reports which it deems necessary in  
147 administering this chapter.

148 (d) To fix standards, not in conflict with those  
149 prescribed by any law of this state or of the United States, to  
150 secure the use of proper ingredients and methods of manufacture of  
151 alcoholic beverages.

152 (e) To issue rules regulating the advertising of  
153 alcoholic beverages in the state in any class of media and  
154 permitting advertising of the retail price of alcoholic beverages.

155 (f) To issue reasonable rules and regulations, not  
156 inconsistent with the federal laws or regulations, requiring  
157 informative labeling of all alcoholic beverages offered for sale  
158 within this state and providing for the standards of fill and  
159 shapes of retail containers of alcoholic beverages; however, such  
160 containers shall not contain less than fifty (50) milliliters by  
161 liquid measure.

162 (g) Subject to the provisions of subsection (3) of  
163 Section 67-1-51, to issue rules and regulations governing the  
164 issuance of retail permits for premises located near or around  
165 schools, colleges, universities, churches and other public  
166 institutions, and specifying the distances therefrom within which  
167 no such permit shall be issued. The Alcoholic Beverage Control  
168 Division shall not issue a permit for the sale or consumption of

169 alcoholic beverages in or on the campus of any public school,  
170 community or junior college, college or university \* \* \*.

171 (h) To adopt and promulgate, repeal and amend, such  
172 rules, regulations, standards, requirements and orders, not  
173 inconsistent with this chapter or any law of this state or of the  
174 United States, as it deems necessary to control the manufacture,  
175 importation, transportation, distribution and sale of alcoholic  
176 liquor, whether intended for beverage or nonbeverage use in a  
177 manner not inconsistent with the provisions of this chapter or any  
178 other statute, including the native wine laws.

179 (i) To call upon other administrative departments of  
180 the state, county and municipal governments, county and city  
181 police departments and upon prosecuting officers for such  
182 information and assistance as it may deem necessary in the  
183 performance of its duties.

184 (j) To prepare and submit to the Governor during the  
185 month of January of each year a detailed report of its official  
186 acts during the preceding fiscal year ending June 30, including  
187 such recommendations as it may see fit to make, and to transmit a  
188 like report to each member of the Legislature of this state upon  
189 the convening thereof at its next regular session.

190 (k) To inspect, or cause to be inspected, any premises  
191 where alcoholic liquors intended for sale are manufactured,  
192 stored, distributed or sold, and to examine or cause to be  
193 examined all books and records pertaining to the business  
194 conducted therein.

195 (l) In the conduct of any hearing authorized to be held  
196 by the commission, to hear testimony and take proof material for  
197 its information in the discharge of its duties under this chapter;  
198 to issue subpoenas, which shall be effective in any part of this  
199 state, requiring the attendance of witnesses and the production of  
200 books and records; to administer or cause to be administered  
201 oaths; and to examine or cause to be examined any witness under

202 oath. Any court of record, or any judge thereof, may by order  
203 duly entered require the attendance of witnesses and the  
204 production of relevant books subpoenaed by the commission, and  
205 such court or judge may compel obedience to its or his order by  
206 proceedings for contempt.

207 (m) To investigate the administration of laws in  
208 relation to alcoholic liquors in this and other states and any  
209 foreign countries, and to recommend from time to time to the  
210 Governor and through him to the Legislature of this state such  
211 amendments to this chapter, if any, as it may think desirable.

212 (n) To designate hours and days when alcoholic  
213 beverages may be sold in different localities in the state which  
214 permit such sale.

215 (o) To assign employees to posts of duty at locations  
216 where they will be most beneficial for the control of alcoholic  
217 beverages, to remove, to dismiss, to suspend without pay, to act  
218 as a trial board in hearings based upon charges against employees.  
219 After twelve (12) months' service, no employee shall be removed,  
220 dismissed, demoted or suspended without just cause and only after  
221 being furnished with reasons for such removal, dismissal, demotion  
222 or suspension, and upon request given a hearing in his own  
223 defense.

224 (p) All hearings conducted by the commission shall be  
225 open to the public, and, when deemed necessary, a written  
226 transcript shall be made of the testimony introduced thereat.

227 (q) To enforce the provisions made unlawful by Sections  
228 67-3-13, 67-3-15, 67-3-53, 67-3-57 and 67-3-70.

229 (2) No alcoholic beverage shall be sold or consumed at any  
230 public athletic event at any public school, community or junior  
231 college, college or university.

232 **[From and after July 1, 2011, this section will read as**  
233 **follows:]**

234           67-1-37. (1) The State Tax Commission, under its duties and  
235 powers with respect to the Alcoholic Beverage Control Division  
236 therein, shall have the following powers, functions and duties:

237           (a) To issue or refuse to issue any permit provided for  
238 by this chapter, or to extend the permit or remit in whole or any  
239 part of the permit monies when the permit cannot be used due to a  
240 natural disaster or Act of God.

241           (b) To revoke, suspend or cancel, for violation of or  
242 noncompliance with the provisions of this chapter, or the law  
243 governing the production and sale of native wines, or any lawful  
244 rules and regulations of the commission issued hereunder, or for  
245 other sufficient cause, any permit issued by it under the  
246 provisions of this chapter; however, no such permit shall be  
247 revoked, suspended or cancelled except after a hearing of which  
248 the permit holder shall have been given reasonable notice and an  
249 opportunity to be heard. The board shall be authorized to suspend  
250 the permit of any permit holder for being out of compliance with  
251 an order for support, as defined in Section 93-11-153. The  
252 procedure for suspension of a permit for being out of compliance  
253 with an order for support, and the procedure for the reissuance or  
254 reinstatement of a permit suspended for that purpose, and the  
255 payment of any fees for the reissuance or reinstatement of a  
256 permit suspended for that purpose, shall be governed by Section  
257 93-11-157 or 93-11-163, as the case may be. If there is any  
258 conflict between any provision of Section 93-11-157 or 93-11-163  
259 and any provision of this chapter, the provisions of Section  
260 93-11-157 or 93-11-163, as the case may be, shall control.

261           (c) To prescribe forms of permits and applications for  
262 permits and of all reports which it deems necessary in  
263 administering this chapter.

264           (d) To fix standards, not in conflict with those  
265 prescribed by any law of this state or of the United States, to



266 secure the use of proper ingredients and methods of manufacture of  
267 alcoholic beverages.

268 (e) To issue rules regulating the advertising of  
269 alcoholic beverages in the state in any class of media and  
270 permitting advertising of the retail price of alcoholic beverages.

271 (f) To issue reasonable rules and regulations, not  
272 inconsistent with the federal laws or regulations, requiring  
273 informative labeling of all alcoholic beverages offered for sale  
274 within this state and providing for the standards of fill and  
275 shapes of retail containers of alcoholic beverages; however, such  
276 containers shall not contain less than fifty (50) milliliters by  
277 liquid measure.

278 (g) Subject to the provisions of subsection (3) of  
279 Section 67-1-51, to issue rules and regulations governing the  
280 issuance of retail permits for premises located near or around  
281 schools, colleges, universities, churches and other public  
282 institutions, and specifying the distances therefrom within which  
283 no such permit shall be issued. The Alcoholic Beverage Control  
284 Division shall not issue a permit for the sale or consumption of  
285 alcoholic beverages in or on the campus of any public school,  
286 community or junior college, college or university \* \* \*.

287 (h) To adopt and promulgate, repeal and amend, such  
288 rules, regulations, standards, requirements and orders, not  
289 inconsistent with this chapter or any law of this state or of the  
290 United States, as it deems necessary to control the manufacture,  
291 importation, transportation, distribution and sale of alcoholic  
292 liquor, whether intended for beverage or nonbeverage use in a  
293 manner not inconsistent with the provisions of this chapter or any  
294 other statute, including the native wine laws.

295 (i) To call upon other administrative departments of  
296 the state, county and municipal governments, county and city  
297 police departments and upon prosecuting officers for such

298 information and assistance as it may deem necessary in the  
299 performance of its duties.

300 (j) To prepare and submit to the Governor during the  
301 month of January of each year a detailed report of its official  
302 acts during the preceding fiscal year ending June 30, including  
303 such recommendations as it may see fit to make, and to transmit a  
304 like report to each member of the Legislature of this state upon  
305 the convening thereof at its next regular session.

306 (k) To inspect, or cause to be inspected, any premises  
307 where alcoholic liquors intended for sale are manufactured,  
308 stored, distributed or sold, and to examine or cause to be  
309 examined all books and records pertaining to the business  
310 conducted therein.

311 (l) In the conduct of any hearing authorized to be held  
312 by the commission, to hear testimony and take proof material for  
313 its information in the discharge of its duties under this chapter;  
314 to issue subpoenas, which shall be effective in any part of this  
315 state, requiring the attendance of witnesses and the production of  
316 books and records; to administer or cause to be administered  
317 oaths; and to examine or cause to be examined any witness under  
318 oath. Any court of record, or any judge thereof, may by order  
319 duly entered require the attendance of witnesses and the  
320 production of relevant books subpoenaed by the commission, and  
321 such court or judge may compel obedience to its or his order by  
322 proceedings for contempt.

323 (m) To investigate the administration of laws in  
324 relation to alcoholic liquors in this and other states and any  
325 foreign countries, and to recommend from time to time to the  
326 Governor and through him to the Legislature of this state such  
327 amendments to this chapter, if any, as it may think desirable.

328 (n) To designate hours and days when alcoholic  
329 beverages may be sold in different localities in the state which  
330 permit such sale.

331 (o) To assign employees to posts of duty at locations  
332 where they will be most beneficial for the control of alcoholic  
333 beverages, to remove, to dismiss, to suspend without pay, to act  
334 as a trial board in hearings based upon charges against employees.  
335 After twelve (12) months' service, no employee shall be removed,  
336 dismissed, demoted or suspended without just cause and only after  
337 being furnished with reasons for such removal, dismissal, demotion  
338 or suspension, and upon request given a hearing in his own  
339 defense.

340 (p) All hearings conducted by the commission shall be  
341 open to the public, and, when deemed necessary, a written  
342 transcript shall be made of the testimony introduced thereat.

343 (2) No alcoholic beverage shall be sold or consumed at any  
344 public athletic event at any public school, community or junior  
345 college, college or university.

346 **SECTION 4.** Section 67-3-31, Mississippi Code of 1972, is  
347 amended as follows:

348 **[Until July 1, 2011, this section will read as follows:]**

349 67-3-31. Proceedings for the revocation or suspension of any  
350 permit authorizing the sale of beer or wine at retail for a  
351 violation of any of the provisions of Section 67-3-53 may be  
352 brought in the circuit or county court of the county in which the  
353 licensed premises are located. Such proceedings shall be entitled  
354 in the name of the state and against the permittee and shall be  
355 instituted by filing a complaint with the clerk of the court. The  
356 complaint may be filed by the county prosecuting attorney of the  
357 county upon his own initiative or, then by the district attorney  
358 of the district in which the county is located, and it shall be  
359 mandatory upon the county prosecuting attorney, or district  
360 attorney, as the case may be, to file a complaint when requested  
361 to do so by a peace officer or any person as \* \* \* provided in  
362 this section. Any peace officer within his jurisdiction or any  
363 enforcement officer of the Alcoholic Beverage Control Division

364 within the State Tax Commission who learns that a retail permittee  
365 within his jurisdiction has violated any of the provisions of such  
366 section shall file with the county prosecuting attorney of the  
367 county in which the licensed premises are located, or, then with  
368 the district attorney of the district in which such county is  
369 located, an affidavit specifying in detail the facts alleged to  
370 constitute such violation, and requesting that a complaint be  
371 filed against the permittee for the revocation or suspension of  
372 his permit. A like affidavit may be filed with the county  
373 prosecuting attorney, or district attorney, as the case may be, by  
374 any person who resides, and has for at least one (1) year prior  
375 thereto resided within the county in which the licensed premises  
376 are located requesting that a complaint be filed for the  
377 revocation or suspension of the permittee's permit. Promptly upon  
378 receiving any such affidavit the county prosecuting attorney, or  
379 district attorney, shall prepare a proper complaint, which shall  
380 be signed and sworn to by the person or persons filing the  
381 affidavit with him, and the county prosecuting attorney or  
382 district attorney shall file the complaint with the clerk of the  
383 circuit or county court.

384 **[From and after July 1, 2011, this section will read as**  
385 **follows:]**

386 67-3-31. Proceedings for the revocation or suspension of any  
387 permit authorizing the sale of beer or wine at retail for a  
388 violation of any of the provisions of Section 67-3-53 may be  
389 brought in the circuit or county court of the county in which the  
390 licensed premises are located. Such proceedings shall be entitled  
391 in the name of the state and against the permittee and shall be  
392 instituted by filing a complaint with the clerk of the court. The  
393 complaint may be filed by the county prosecuting attorney of the  
394 county upon his own initiative or, then by the district attorney  
395 of the district in which the county is located, and it shall be  
396 mandatory upon the county prosecuting attorney, or district

397 attorney, as the case may be, to file a complaint when requested  
398 to do so by a peace officer or any person as \* \* \* provided in  
399 this section. Any peace officer who learns that a retail  
400 permittee within his jurisdiction has violated any of the  
401 provisions of such section shall file with the county prosecuting  
402 attorney of the county in which the licensed premises are located,  
403 or, then with the district attorney of the district in which such  
404 county is located, an affidavit specifying in detail the facts  
405 alleged to constitute such violation, and requesting that a  
406 complaint be filed against the permittee for the revocation or  
407 suspension of his permit. A like affidavit may be filed with the  
408 county prosecuting attorney, or district attorney, as the case may  
409 be, by any person who resides, and has for at least one (1) year  
410 prior thereto resided within the county in which the licensed  
411 premises are located requesting that a complaint be filed for the  
412 revocation or suspension of the permittee's permit. Promptly upon  
413 receiving any such affidavit the county prosecuting attorney, or  
414 district attorney, shall prepare a proper complaint, which shall  
415 be signed and sworn to by the person or persons filing the  
416 affidavit with him, and the county prosecuting attorney or  
417 district attorney shall file the complaint with the clerk of the  
418 circuit or county court.

419 **SECTION 5.** Section 67-3-37, Mississippi Code of 1972, is  
420 amended as follows:

421 **[Until July 1, 2011, this section will read as follows:]**

422 67-3-37. It shall be the duty of the county prosecuting  
423 attorney or the district attorney, as the case may be, to file  
424 complaints as provided in Section 67-3-31 and to prosecute  
425 diligently and without delay all complaints filed by him.

426 It shall be the duty of all peace officers, within their  
427 jurisdiction, and all enforcement officers of the Alcoholic  
428 Beverage Control Division of the State Tax Commission to enforce  
429 the provisions of Section 67-3-53 and they shall frequently visit

430 all licensed premises within their jurisdiction to determine  
431 whether such permittees are complying with the laws. They shall  
432 promptly investigate all complaints made to them by any citizen  
433 relative to any alleged violations of such section within their  
434 jurisdiction. When any peace officer or enforcement officer of  
435 the Alcoholic Beverage Control Division has knowledge of a  
436 violation of such section committed by a permittee within his  
437 jurisdiction, it shall be his duty forthwith to file an affidavit  
438 with the county prosecuting attorney or district attorney  
439 requesting that a complaint be filed for the revocation or  
440 suspension of the permit of the permittee.

441 **[From and after July 1, 2011, this section will read as**  
442 **follows:]**

443 67-3-37. It shall be the duty of the county prosecuting  
444 attorney or the district attorney, as the case may be, to file  
445 complaints as provided in Section 67-3-31 and to prosecute  
446 diligently and without delay all complaints filed by him.

447 It shall be the duty of all peace officers to enforce, within  
448 their jurisdiction, the provisions of Section 67-3-53 and they  
449 shall frequently visit all licensed premises within their  
450 jurisdiction to determine whether such permittees are complying  
451 with the laws. They shall promptly investigate all complaints  
452 made to them by any citizen relative to any alleged violations of  
453 such section within their jurisdiction. When any peace officer  
454 has knowledge of a violation of such section committed by a  
455 permittee within his jurisdiction, it shall be his duty forthwith  
456 to file an affidavit with the county prosecuting attorney or  
457 district attorney requesting that a complaint be filed for the  
458 revocation or suspension of the permit of the permittee.

459 **SECTION 6.** Section 67-3-74, Mississippi Code of 1972, is  
460 amended as follows:

461 67-3-74. (1) In addition to peace officers within their  
462 jurisdiction, all enforcement officers of the Alcoholic Beverage

463 Control Division of the State Tax Commission are authorized to  
464 enforce the provisions made unlawful by Sections 67-3-13, 67-3-15,  
465 67-3-53, 67-3-57 and 67-3-70; provided, however, that the  
466 provisions prohibiting the sale of light wine or beer to persons  
467 under the age of twenty-one (21) years shall be enforced by the  
468 division as provided for in this section.

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

474 (b) Upon receipt of such complaint or information, the  
475 Alcoholic Beverage Control Division shall notify the permit holder  
476 of the complaint by certified mail to the primary business office  
477 of such permit holder or by hand delivery of the complaint or  
478 information to the primary business office of such holder, except  
479 in cases where the complaint or information is received from any  
480 law enforcement officer.

481 (c) If an enforcement officer of the Alcoholic Beverage  
482 Control Division enters the business of the holder of the permit  
483 to investigate a complaint and discovers a violation, the agent  
484 shall notify the person that committed the violation and the  
485 holder of the permit:

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

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

492 (3) The provisions of this section shall be repealed on July  
493 1, 2011.

494 **SECTION 7.** This act shall take effect and be in force from  
495 and after July 1, 2007.