

By: Senator(s) Polk

To: Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2845

1 AN ACT TO AMEND SECTIONS 67-1-71 AND 67-3-29, MISSISSIPPI
2 CODE OF 1972, TO REQUIRE THE SUSPENSION OF A PERMIT TO SELL
3 ALCOHOLIC BEVERAGES, BEER, LIGHT WINES OR LIGHT SPIRIT PRODUCTS
4 FOR CONSUMPTION ON THE PREMISES, IF THE PREMISES HAVE BEEN THE
5 SITE OF TWO DEATHS FROM VIOLENT CAUSES, AS DETERMINED FROM THE
6 POLICE REPORT, DURING THE HOURS OF OPERATION, OR WITHIN ONE HOUR
7 OF CLOSING, WITHIN 365 DAYS OF ONE ANOTHER; TO REQUIRE THE
8 REVOCATION OF THE PERMIT IF A THIRD SUCH DEATH SHALL HAVE BEEN
9 COMMITTED ON THE PREMISES WITHIN 365 DAYS OF REINSTATEMENT OF THE
10 PERMIT AFTER ITS SUSPENSION UNDER THIS ACT; TO PROHIBIT THE
11 PREMISES THAT WERE THE SUBJECT OF A REVOKED PERMIT FROM BEING
12 ISSUED AN ON-PREMISES RETAILER'S PERMIT, REGARDLESS OF THE
13 IDENTITY OF THE APPLICANT, FOR ONE YEAR FROM THE DATE OF
14 REVOCATION; TO PROHIBIT A PERSON OR ENTITY WHOSE PERMIT HAS BEEN
15 REVOKED FROM OBTAINING AN ON-PREMISES RETAILER'S PERMIT FOR ANY
16 LOCATION AT ANY TIME IN THE FUTURE; TO AMEND SECTIONS 67-1-57 AND
17 67-3-19, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED
18 PURPOSES.

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

20 **SECTION 1.** Section 67-1-71, Mississippi Code of 1972, is
21 amended as follows:

22 67-1-71. The department may revoke or suspend any permit
23 issued by it for a violation by the permittee of any of the
24 provisions of this article or of the regulations promulgated under
25 it by the department.

26 Permits must be revoked or suspended for the following
27 causes:

28 (a) Conviction of the permittee for the violation of
29 any of the provisions of this article;

30 (b) Willful failure or refusal by any permittee to
31 comply with any of the provisions of this article or of any rule
32 or regulation adopted pursuant thereto;

33 (c) The making of any materially false statement in any
34 application for a permit;

35 (d) Conviction of one or more of the clerks, agents or
36 employees of the permittee, of any violation of this article upon
37 the premises covered by such permit within a period of time as
38 designated by the rules or regulations of the department;

39 (e) The possession on the premises of any retail
40 permittee of any alcoholic beverages upon which the tax has not
41 been paid;

42 (f) The willful failure of any permittee to keep the
43 records or make the reports required by this article, or to allow
44 an inspection of such records by any duly authorized person;

45 (g) The suspension or revocation of a permit issued to
46 the permittee by the federal government, or conviction of
47 violating any federal law relating to alcoholic beverages;

48 (h) The failure to furnish any bond required by Section
49 27-71-21 within fifteen (15) days after notice from the
50 department; * * *

(i) The conducting of any form of illegal gambling on the premises of any permittee or on any premises connected therewith or the presence on any such premises of any gambling device with the knowledge of the permittee * * *; and

(j) The premises covered by an on-premises retailer's permit, or adjacent areas on the same property, including, but not limited to, lawns and parking lots, having been the site of two (2) deaths from violent causes during the hours of operation, or within one (1) hour of closing, within three hundred sixty-five (365) days of one another, in which case the permit shall be suspended, or a third such death within three hundred sixty-five (365) days of permit reinstatement after its suspension under this paragraph (j), in which case the permit shall be revoked and no such permit may be issued for the premises, regardless of the identity of the applicant, for one (1) year from the date of revocation. A person or entity whose permit has been revoked under this paragraph (j), including any person who was an officer or director of an entity whose permit was revoked, and including any entity with an officer or director whose permit was revoked, either individually or as an officer or director of an entity, may not obtain an on-premises retailer's permit for any location at any time in the future. For purposes of this paragraph, whether a death is from violent causes shall be determined from the details of the police report.

75 The provisions of paragraph (i) of this section shall not
76 apply to gambling or the presence of any gambling devices, with
77 knowledge of the permittee, on board a cruise vessel in the waters
78 within the State of Mississippi, which lie adjacent to the State
79 of Mississippi south of the three (3) most southern counties in
80 the State of Mississippi, or on any vessel as defined in Section
81 27-109-1 whenever such vessel is on the Mississippi River or
82 navigable waters within any county bordering on the Mississippi
83 River. The department may, in its discretion, issue on-premises
84 retailer's permits to a common carrier of the nature described in
85 this paragraph.

86 The provisions of paragraph (i) of this section shall not
87 apply to the operation of any game or lottery authorized by
88 Chapter 115, Title 27.

89 No permit shall be suspended or revoked until after the
90 permittee has been provided reasonable notice of the charges
91 against him for which suspension or revocation is sought and the
92 opportunity to a hearing before the Board of Tax Appeals to
93 contest such charges and the suspension or revocation proposed.
94 Opportunity to a hearing is provided without an actual hearing if
95 the permittee, after receiving reasonable notice, including notice
96 of his right to a hearing, fails to timely request a hearing. The
97 permittee may also at any time waive his rights to reasonable
98 notice and/or to the opportunity to a hearing by agreeing to a
99 suspension or revocation offered by the department.



100 Notwithstanding the requirement above that a permit may not be
101 suspended without notice and opportunity to a hearing, sales of
102 alcoholic beverages by a permittee under a permit for which the
103 bond under Section 27-71-21 has been cancelled shall be suspended
104 from and after issuance of the notice provided in paragraph (h)
105 above and shall continue to be suspended until the bond is
106 reinstated, a new bond is posted or sufficient cash or securities
107 as provided under Section 27-71-21 are deposited with the State
108 Treasurer for this permit.

109 In addition to the causes specified in this section and other
110 provisions of this article, the department shall be authorized to
111 suspend the permit of any permit holder for being out of
112 compliance with an order for support, as defined in Section
113 93-11-153. The procedure for suspension of a permit for being out
114 of compliance with an order for support, and the procedure for the
115 reissuance or reinstatement of a permit suspended for that
116 purpose, and the payment of any fees for the reissuance or
117 reinstatement of a permit suspended for that purpose, shall be
118 governed by Section 93-11-157 or 93-11-163, as the case may be.
119 If there is any conflict between any provision of Section
120 93-11-157 or 93-11-163 and any provision of this article, the
121 provisions of Section 93-11-157 or 93-11-163, as the case may be,
122 shall control.

123 **SECTION 2.** Section 67-3-29, Mississippi Code of 1972, is
124 amended as follows:

125 67-3-29. (1) The commissioner, or a hearing officer or the
126 board of review, as designated by the commissioner, after a show
127 cause hearing, shall revoke or suspend any permit granted by
128 authority of this chapter to any person who shall violate any of
129 the provisions of this chapter or the revenue laws of this state
130 relating to engaging in transporting, storing, selling,
131 distributing, possessing, receiving or manufacturing of wines or
132 beers, or any person who shall hereafter be convicted of the
133 unlawful sale of intoxicating liquor, or any person who shall
134 allow or permit any form of illegal gambling or immorality on the
135 premises described in such permit. The commissioner shall not
136 revoke or suspend a permit of a retailer for the sale of light
137 wine, light spirit product or beer to a person under the age of
138 twenty-one (21) years until there has been a conviction of the
139 permit holder or an employee of the permit holder for such
140 violation.

141 (2) If any person exercising any privilege taxable under the
142 provisions of Chapter 71 of Title 27, Mississippi Code of 1972,
143 shall willfully neglect or refuse to comply with the provisions of
144 such chapter, or any rules or regulations promulgated by the
145 commissioner under authority of such chapter, or the provisions of
146 this chapter, including maintaining the qualifications of an
147 applicant under Section 67-3-19, during the permit period, the
148 commissioner shall be authorized to revoke or suspend the permit
149 theretofore issued to the person. Any person whose permit shall



150 have been revoked by the commissioner shall be thereafter
151 prohibited from exercising any privilege under the provisions of
152 Chapter 71 of Title 27, Mississippi Code of 1972, for a period of
153 two (2) years from the date of the revocation. The commissioner
154 may, however, for good cause shown, grant a new permit upon such
155 conditions as the commissioner may prescribe. Any person whose
156 permit shall have been suspended by the commissioner shall be
157 prohibited from exercising any privilege under the provisions of
158 Chapter 71 of Title 27, Mississippi Code of 1972, during the
159 period of the suspension. Failure of the person to comply with
160 the terms of the suspension shall be cause for revocation of his
161 permit, in addition to the other penalties provided by law.

162 (3) In addition to the reasons specified in this section and
163 other provisions of this chapter, the commissioner shall be
164 authorized to suspend the permit of any permit holder for being
165 out of compliance with an order for support, as defined in Section
166 93-11-153. The procedure for suspension of a permit for being out
167 of compliance with an order for support, and the procedure for the
168 reissuance or reinstatement of a permit suspended for that
169 purpose, and the payment of any fees for the reissuance or
170 reinstatement of a permit suspended for that purpose, shall be
171 governed by Section 93-11-157 or Section 93-11-163, as the case
172 may be. If there is any conflict between any provision of Section
173 93-11-157 or Section 93-11-163 and any provision of this chapter,



174 the provisions of Section 93-11-157 or 93-11-163, as the case may
175 be, shall control.

176 (4) In the case of establishments selling beer, light wines
177 or light spirit products for consumption on the premises, the
178 commissioner shall suspend the permit of any permit holder whose
179 premises, or adjacent areas on the same property, including, but
180 not limited to, lawns and parking lots, have been the site of two
181 (2) deaths from violent causes during the hours of operation, or
182 within one (1) hour of closing, within three hundred sixty-five
183 (365) days of one another. If a third such death shall have
184 occurred on the premises, or adjacent areas on the same property,
185 including, but not limited to, lawns and parking lots, within
186 three hundred sixty-five (365) days of reinstatement of the permit
187 after its suspension under this subsection, the commissioner shall
188 revoke the permit, and no such permit may be issued for the
189 premises, regardless of the identity of the applicant, for one (1)
190 year from the date of revocation. A person or entity whose permit
191 has been revoked under this subsection (4), including any person
192 who was an officer or director of an entity whose permit was
193 revoked, and including any entity with an officer or director
194 whose permit was revoked, either individually or as an officer or
195 director of an entity, may not obtain an on-premises retailer's
196 permit for any location at any time in the future. For purposes
197 of this subsection, whether a death is from violent causes shall
198 be determined from the details of the police report.



199 **SECTION 3.** Section 67-1-57, Mississippi Code of 1972, is
200 amended as follows:

201 67-1-57. Before a permit is issued the department shall
202 satisfy itself:

203 (a) That the applicant, if an individual, or if a
204 partnership, each of the members of the partnership, or if a
205 corporation, each of its principal officers and directors, or if a
206 limited liability company, each member of the limited liability
207 company, is of good moral character and, in addition, enjoys a
208 reputation of being a peaceable, law-abiding citizen of the
209 community in which he resides, and is generally fit for the trust
210 to be reposed in him, is not less than twenty-one (21) years of
211 age, and has not been convicted of a felony in any state or
212 federal court.

213 (b) That, except in the case of an application for a
214 solicitor's permit, the applicant is the true and actual owner of
215 the business for which the permit is desired, and that he intends
216 to carry on the business authorized for himself and not as the
217 agent of any other person, and that he intends to superintend in
218 person the management of the business or that he will designate a
219 manager to manage the business for him. All managers must be
220 approved by the department prior to completing any managerial
221 tasks on behalf of the permittee and must possess all of the
222 qualifications required of a permittee; however, a felony
223 conviction, other than a crime of violence, does not automatically



224 disqualify a person from being approved as a manager if the person
225 was released from incarceration at least three (3) years prior to
226 application for approval as a manager. A felony conviction, other
227 than a crime of violence, may be considered by the department in
228 determining whether all other qualifications are met.

229 (c) That the applicant for a package retailer's permit,
230 if an individual, is a resident of the State of Mississippi. If
231 the applicant is a partnership, each member of the partnership
232 must be a resident of the state. If the applicant is a limited
233 liability company, each member of the limited liability company
234 must be a resident of the state. If the applicant is a
235 corporation, the designated manager of the corporation must be a
236 resident of the state.

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

240 (e) That the place for which the permit is to be issued
241 is within the corporate limits of an incorporated municipality or
242 qualified resort area or club which comes within the provisions of
243 this article.

244 (f) That the applicant is not indebted to the state for
245 any taxes, fees or payment of penalties imposed by any law of the
246 State of Mississippi or by any rule or regulation of the
247 commission.

248 (g) That the applicant is not in the habit of using
249 alcoholic beverages to excess and is not physically or mentally
250 incapacitated, and that the applicant has the ability to read and
251 write the English language.

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

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

260 (j) That the commission has not, in the exercise of its
261 discretion which is reserved and preserved to it, refused to grant
262 permits under the restrictions of this section, as well as under
263 any other pertinent provision of this article.

264 (k) That there are not sufficient legal reasons to deny
265 a permit on the ground that the premises for which the permit is
266 sought has previously been operated, used or frequented for any
267 purpose or in any manner that is lewd, immoral or offensive to
268 public decency. In the granting or withholding of any permit to
269 sell alcoholic beverages at retail, the commission in forming its
270 conclusions may give consideration to any recommendations made in
271 writing by the district or county attorney or county, circuit or
272 chancery judge of the county, or the sheriff of the county, or the

273 mayor or chief of police of an incorporated city or town wherein
274 the applicant proposes to conduct his business and to any
275 recommendations made by representatives of the commission.

276 (1) That the applicant and the applicant's key
277 employees, as determined by the commission, do not have a
278 disqualifying criminal record. In order to obtain a criminal
279 record history check, the applicant shall submit to the commission
280 a set of fingerprints from any local law enforcement agency for
281 each person for whom the records check is required. The
282 commission shall forward the fingerprints to the Mississippi
283 Department of Public Safety. If no disqualifying record is
284 identified at the state level, the Department of Public Safety
285 shall forward the fingerprints to the Federal Bureau of
286 Investigation for a national criminal history record check. Costs
287 for processing the set or sets of fingerprints shall be borne by
288 the applicant. The commission shall not deny employment to an
289 employee of the applicant prior to the identification of a
290 disqualifying record or other disqualifying information.

291 (m) That the applicant has not owned or operated an
292 establishment selling alcoholic beverages, beer, light wines or
293 light spirit products for on-premises consumption whose premises,
294 or adjacent areas on the same property, including, but not limited
295 to, lawns and parking lots, were the site of more than one (1)
296 death from violent causes during the hours of operation, or within
297 one (1) hour of closing, within the past three hundred sixty-five



298 (365) days. For purposes of this paragraph, whether a death is
299 from violent causes shall be determined from the details of the
300 police report.

301 **SECTION 4.** Section 67-3-19, Mississippi Code of 1972, is
302 amended as follows:

303 67-3-19. Where application is made for a permit to engage in
304 the business of a retailer of light wine, light spirit product or
305 beer, the applicant shall show in his application that he
306 possesses the following qualifications:

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

310 (b) Applicant shall not have been convicted of a
311 felony, or of pandering or of keeping or maintaining a house of
312 prostitution, or have been convicted within two (2) years of the
313 date of his application of any violation of the laws of this state
314 or the laws of the United States relating to alcoholic liquor.

315 (c) Applicant shall not have had revoked, except for a
316 violation of Section 67-3-52, within two (2) years next preceding
317 his application, any license or permit issued to him pursuant to
318 the laws of this state, or any other state, to sell alcoholic
319 liquor of any kind.

320 (d) Applicant shall be the owner of the premises for
321 which the permit is sought or the holder of an existing lease
322 thereon.



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

327 (f) The applicant has not had any license or permit to
328 sell beer, light spirit product or light wine at retail revoked,
329 within five (5) years next preceding his application, due to a
330 violation of Section 67-3-52.

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

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

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

341 (j) If applicant is a corporation, all officers and
342 directors thereof, and any stockholder owning more than five
343 percent (5%) of the stock of such corporation, and the person or
344 persons who shall conduct and manage the licensed premises for the
345 corporation shall possess all the qualifications required herein
346 for any individual permittee. However, the requirements as to

347 residence shall not apply to officers, directors and stockholders
348 of such corporation.

349 (k) That the applicant has not owned or operated an
350 establishment selling alcoholic beverages, beer, light wines or
351 light spirit products for on-premises consumption whose premises,
352 or adjacent areas on the same property, including, but not limited
353 to, lawns and parking lots, were the site of more than one (1)
354 death from violent causes during the hours of operation, or within
355 one (1) hour of closing, within the past three hundred sixty-five
356 (365) days. For purposes of this paragraph, whether a death is
357 from violent causes shall be determined from the details of the
358 police report.

359 Any misstatement or concealment of fact in an application
360 shall be grounds for denial of the application or for revocation
361 of the permit issued thereon.

362 The commissioner may refuse to issue a permit to an applicant
363 for a place that is frequented by known criminals, prostitutes, or
364 other law violators or troublemakers who disturb the peace and
365 quietude of the community and frequently require the assistance of
366 peace officers to apprehend such law violators or to restore
367 order. The burden of proof of establishing the foregoing shall
368 rest upon the commissioner.

369 **SECTION 5.** This act shall take effect and be in force from
370 and after July 1, 2025.

