

By: Senator(s) Polk

To: Finance

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, WITHIN 365 DAYS OF ONE ANOTHER; TO REQUIRE THE
7 REVOCATION OF THE PERMIT IF A THIRD SUCH DEATH SHALL HAVE BEEN
8 COMMITTED ON THE PREMISES WITHIN 365 DAYS OF REINSTATEMENT OF THE
9 PERMIT AFTER ITS SUSPENSION UNDER THIS ACT; TO PROHIBIT THE
10 PREMISES THAT WERE THE SUBJECT OF A REVOKED PERMIT FROM BEING
11 ISSUED AN ON-PREMISES RETAILER'S PERMIT, REGARDLESS OF THE
12 IDENTITY OF THE APPLICANT, FOR ONE YEAR FROM THE DATE OF
13 REVOCATION; TO PROHIBIT A PERSON OR ENTITY WHOSE PERMIT HAS BEEN
14 REVOKED FROM OBTAINING AN ON-PREMISES RETAILER'S PERMIT FOR ANY
15 LOCATION AT ANY TIME IN THE FUTURE; TO AMEND SECTIONS 67-1-57 AND
16 67-3-19, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED
17 PURPOSES.

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

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

21 67-1-71. The department may revoke or suspend any permit
22 issued by it for a violation by the permittee of any of the
23 provisions of this article or of the regulations promulgated under
24 it by the department.

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

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

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

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

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

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

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

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

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



50 (i) The conducting of any form of illegal gambling on
51 the premises of any permittee or on any premises connected
52 therewith or the presence on any such premises of any gambling
53 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 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.

73 The provisions of paragraph (i) of this section shall not
74 apply to gambling or the presence of any gambling devices, with



75 knowledge of the permittee, on board a cruise vessel in the waters
76 within the State of Mississippi, which lie adjacent to the State
77 of Mississippi south of the three (3) most southern counties in
78 the State of Mississippi, or on any vessel as defined in Section
79 27-109-1 whenever such vessel is on the Mississippi River or
80 navigable waters within any county bordering on the Mississippi
81 River. The department may, in its discretion, issue on-premises
82 retailer's permits to a common carrier of the nature described in
83 this paragraph.

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

87 No permit shall be suspended or revoked until after the
88 permittee has been provided reasonable notice of the charges
89 against him for which suspension or revocation is sought and the
90 opportunity to a hearing before the Board of Tax Appeals to
91 contest such charges and the suspension or revocation proposed.
92 Opportunity to a hearing is provided without an actual hearing if
93 the permittee, after receiving reasonable notice, including notice
94 of his right to a hearing, fails to timely request a hearing. The
95 permittee may also at any time waive his rights to reasonable
96 notice and/or to the opportunity to a hearing by agreeing to a
97 suspension or revocation offered by the department.
98 Notwithstanding the requirement above that a permit may not be
99 suspended without notice and opportunity to a hearing, sales of



100 alcoholic beverages by a permittee under a permit for which the
101 bond under Section 27-71-21 has been cancelled shall be suspended
102 from and after issuance of the notice provided in paragraph (h)
103 above and shall continue to be suspended until the bond is
104 reinstated, a new bond is posted or sufficient cash or securities
105 as provided under Section 27-71-21 are deposited with the State
106 Treasurer for this permit.

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

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

123 67-3-29. (1) The commissioner, or a hearing officer or the
124 board of review, as designated by the commissioner, after a show



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

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



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

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



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

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

198 67-1-57. Before a permit is issued the department shall
199 satisfy itself:

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

210 (b) That, except in the case of an application for a
211 solicitor's permit, the applicant is the true and actual owner of
212 the business for which the permit is desired, and that he intends
213 to carry on the business authorized for himself and not as the
214 agent of any other person, and that he intends to superintend in
215 person the management of the business or that he will designate a
216 manager to manage the business for him. All managers must be
217 approved by the department prior to completing any managerial
218 tasks on behalf of the permittee and must possess all of the
219 qualifications required of a permittee; however, a felony
220 conviction, other than a crime of violence, does not automatically
221 disqualify a person from being approved as a manager if the person
222 was released from incarceration at least three (3) years prior to



223 application for approval as a manager. A felony conviction, other
224 than a crime of violence, may be considered by the department in
225 determining whether all other qualifications are met.

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

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

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

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

245 (g) That the applicant is not in the habit of using
246 alcoholic beverages to excess and is not physically or mentally

247 incapacitated, and that the applicant has the ability to read and
248 write the English language.

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

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

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

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



271 the applicant proposes to conduct his business and to any
272 recommendations made by representatives of the commission.

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

288 (m) That the applicant has not owned or operated an
289 establishment selling alcoholic beverages, beer, light wines or
290 light spirit products for on-premises consumption whose premises,
291 or adjacent areas on the same property, including, but not limited
292 to, lawns and parking lots, were the site of more than one (1)
293 death from violent causes within the past three hundred sixty-five
294 (365) days. For purposes of this paragraph, whether a death is



295 from violent causes shall be determined from the details of the
296 police report.

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

299 67-3-19. Where application is made for a permit to engage in
300 the business of a retailer of light wine, light spirit product or
301 beer, the applicant shall show in his application that he
302 possesses the following qualifications:

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

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

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

316 (d) Applicant shall be the owner of the premises for
317 which the permit is sought or the holder of an existing lease
318 thereon.

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

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

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

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

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



343 residence shall not apply to officers, directors and stockholders
344 of such corporation.

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

354 Any misstatement or concealment of fact in an application
355 shall be grounds for denial of the application or for revocation
356 of the permit issued thereon.

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

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

