

**\*\*\*Adopted\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**Senate Bill NO. 2890**

**By Representative(s) Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

25       **SECTION 1.** The following provision shall be codified as  
26 Section 67-3-74, Mississippi Code of 1972:

27       67-3-74. (1) In addition to peace officers within their  
28 jurisdiction, all enforcement officers of the Alcoholic Beverage  
29 Control Division of the State Tax Commission are authorized to  
30 enforce the provisions made unlawful by Sections 67-3-13, 67-3-15,  
31 67-3-53 and 67-3-70; provided, however, that the provisions  
32 prohibiting the sale of light wine or beer to persons under the  
33 age of twenty-one (21) years shall be enforced by the division as  
34 provided for in this section.

35       (2) The Alcoholic Beverage Control Division shall  
36 investigate violations of the laws prohibiting the sale of light  
37 wine or beer to persons under the age of twenty-one (21) years  
38 upon receipt of a complaint or information from a person stating  
39 that they have knowledge of such violation. Upon receipt of such  
40 complaint or information, the Alcoholic Beverage Control Division  
41 shall notify the permit holder of the complaint by certified mail  
42 to the primary business office of such permit holder or by hand  
43 delivery of the complaint or information to the primary business  
44 office of such holder, except in cases where the complaint or

information is received from any law enforcement officer. If an enforcement officer of the Alcoholic Beverage Control Division enters the business of the holder of the permit to investigate a complaint and discovers a violation, the agent, within seventy-two (72) hours, shall notify the permit holder that committed the violation.

(3) The provisions of this section shall be repealed on July 1, 2003.

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

67-3-29. (1) The commissioner shall revoke any permit granted by authority of this chapter to any person who shall violate any of the provisions of this chapter or the revenue laws of this state relating to engaging in transporting, storing, selling, distributing, possessing, receiving or manufacturing of wines or beers, or any person who shall hereafter be convicted of the unlawful sale of intoxicating liquor, or any person who shall allow or permit any form of illegal gambling or immorality on the premises described in such permit. The commissioner shall not revoke or suspend a permit of a retailer for the sale of light wine or beer to a person under the age of twenty-one (21) years until there has been a conviction of the permit holder or an employee of the permit holder for such violation.

(2) If any person exercising any privilege taxable under the provisions of Chapter 71 of Title 27, Mississippi Code of 1972, shall willfully neglect or refuse to comply with the provisions of such chapter, or any rules or regulations promulgated by the commissioner under authority of such chapter, or the provisions of this chapter, the commissioner shall be authorized to revoke the permit theretofore issued to such person, after giving to such person ten (10) days notice of the intention of the commissioner to revoke such permit. The commissioner may, however, suspend such permit instead of revoking same if, in his opinion, sufficient cause is shown for a suspension rather than revocation. Any person whose permit shall have been revoked by the

80 commissioner shall be thereafter prohibited from exercising any  
81 privilege under the provisions of Chapter 71 of Title 27,  
82 Mississippi Code of 1972, for a period of two (2) years from the  
83 date of such revocation. The commissioner may, however, for good  
84 cause shown, grant a new permit upon such conditions as the  
85 commissioner may prescribe. Any person whose permit shall have  
86 been suspended by the commissioner shall be prohibited from  
87 exercising any privilege under the provisions of Chapter 71 of  
88 Title 27, Mississippi Code of 1972, during the period of such  
89 suspension. Failure of such person to comply with the terms of  
90 the suspension shall be cause for revocation of his permit, in  
91 addition to the other penalties provided by law.

92 (3) In addition to the reasons specified in this section and  
93 other provisions of this chapter, the commissioner shall be  
94 authorized to suspend the permit of any permit holder for being  
95 out of compliance with an order for support, as defined in Section  
96 93-11-153. The procedure for suspension of a permit for being out  
97 of compliance with an order for support, and the procedure for the  
98 reissuance or reinstatement of a permit suspended for that  
99 purpose, and the payment of any fees for the reissuance or  
100 reinstatement of a permit suspended for that purpose, shall be  
101 governed by Section 93-11-157 or Section 93-11-163, as the case  
102 may be. If there is any conflict between any provision of Section  
103 93-11-157 or Section 93-11-163 and any provision of this chapter,  
104 the provisions of Section 93-11-157 or 93-11-163, as the case may  
105 be, shall control.

106 **SECTION 3.** Section 67-1-81, Mississippi Code of 1972, is  
107 amended as follows:

108 67-1-81. (1) Any permittee or other person who shall sell,  
109 furnish, dispose of, give, or cause to be sold, furnished,  
110 disposed of, or given, any alcoholic beverage to any person under  
111 the age of twenty-one (21) years shall be guilty of a misdemeanor  
112 and shall be punished by a fine of not less than Five Hundred  
113 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00)  
114 for a first offense. For a second or subsequent offense, such

115 permittee or other person shall be punished by a fine of not less  
116 than One Thousand Dollars (\$1,000.00) nor more than Two Thousand  
117 Dollars (\$2,000.00), or by imprisonment for not more than one (1)  
118 year, or by both such fine and imprisonment in the discretion of  
119 the court. Upon conviction of a second offense under the  
120 provisions of this section the permit of any permittee so  
121 convicted shall be automatically and permanently revoked.

122       (2) Any person under the age of twenty-one (21) years who  
123 purchases, receives, or has in his or her possession in any public  
124 place, any alcoholic beverages, shall be guilty of a misdemeanor  
125 and shall be punished by a fine of not less than Two Hundred  
126 Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00).  
127 Provided, that clearing or busing tables that have glasses or  
128 other containers that contain or did contain alcoholic beverages,  
129 or stocking, bagging or otherwise handling purchases of alcoholic  
130 beverages shall not be deemed possession of alcoholic beverages  
131 for the purposes of this section. Provided further, that a person  
132 who is at least eighteen (18) years of age but under the age of  
133 twenty-one (21) years who waits on tables by taking orders for or  
134 delivering orders of alcoholic beverages shall not be deemed to  
135 unlawfully possess or furnish alcoholic beverages if in the scope  
136 of his employment by the holder of an on-premises retailer's  
137 permit. This exception shall not authorize a person under the age  
138 of twenty-one (21) to tend bar or act in the capacity of  
139 bartender. Any person under the age of twenty-one (21) who  
140 knowingly makes a false statement to the effect that he or she is  
141 twenty-one (21) years old or older to any person engaged in the  
142 sale of alcoholic beverages for the purpose of obtaining the same  
143 shall be guilty of a misdemeanor and shall be punished by a fine  
144 of not less than Two Hundred Dollars (\$200.00) nor more than Five  
145 Hundred Dollars (\$500.00), and a sentence to not more than thirty  
146 (30) days' community service.

147       (3) The term "community service" as used in this section  
148 shall mean work, projects or services for the benefit of the  
149 community assigned, supervised and recorded by appropriate public

officials.

(4) If a person under the age of twenty-one (21) years is convicted or enters a plea of guilty of purchasing, receiving or having in his or her possession in any public place any alcoholic beverages in violation of subsection (2) of this section, the trial judge, in lieu of the penalties otherwise provided under subsection (2) of this section, shall suspend the minor's driver's license by taking and keeping it in the custody of the court for a period of time not to exceed ninety (90) days. The judge so ordering the suspension shall enter upon his docket "DEFENDANT'S DRIVER'S LICENSE SUSPENDED FOR \_\_\_\_\_ DAYS IN LIEU OF CONVICTION" and such action by the trial judge shall not constitute a conviction. During the period that the minor's driver's license is suspended, the trial judge shall suspend the imposition of any fines or penalties that may be imposed under subsection (2) of this section and may place the minor on probation subject to such conditions as the judge deems appropriate. If the minor violates any of the conditions of probation, then the trial judge shall return the driver's license to the minor and impose the fines, penalties or both, that he would have otherwise imposed, and such action shall constitute a conviction.

The provisions of this subsection (4) shall apply only to a first offense violation of subsection (2) of this section.

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

67-3-69. (1) Except as to Sections 67-3-17, 67-3-23, 67-3-27, 67-3-55 and 67-3-57, any violation of any provision of this chapter or of any rule or regulation of the commissioner, shall be a misdemeanor and, where the punishment therefor is not elsewhere prescribed herein, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than six (6) months, or both, in the discretion of the court.

If any person so convicted shall be the holder of any permit or license issued by the commissioner under authority of this chapter, such permit or license shall from and after the date of

such conviction be void and the holder thereof shall not thereafter, for a period of one (1) year from the date of such conviction, be entitled to any permit or license for any purpose authorized by this chapter. Upon conviction of the holder of any permit or license, the appropriate law enforcement officer shall seize the permit or license and transmit it to the commissioner.

(2) (a) Any person who shall violate any provision of Section 67-3-17, 67-3-23, 67-3-27 or 67-3-55 shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court.

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

(3) If the holder of a permit, or the employee of the holder of a permit, shall be convicted of selling any beer or wine to any person under the age of twenty-one (21) years from the licensed premises in violation of Section 67-3-53(b), then, in addition to any other penalty provided for by law, the holder of the permit, or employee of the holder of a permit, may be punished as follows:

(a) For the first offense on the licensed premises, \* \* \* by a fine of not less than Two Hundred Dollars (\$200.00) nor more than One Thousand Dollars (\$1,000.00) and/or the sale of beer or wine on the premises from which the sale occurred may be prohibited for three (3) months.

(b) For a second offense occurring on the licensed

premises within twelve (12) months of the first offense, \* \* \* by  
a fine of not less than Two Hundred Dollars (\$200.00) nor more  
than One Thousand Five Hundred Dollars (\$1,500.00) and/or the  
sale of beer or wine on the premises from which the sale occurred  
may be prohibited for six (6) months.

(c) For a third or subsequent offense occurring on the  
licensed premises within twelve (12) months of the first, \* \* \* by  
a fine of not less than One Thousand Dollars (\$1,000.00) nor more  
than Five Thousand Dollars (\$5,000.00) and/or the sale of beer or  
wine on the premises from which the sale occurred may be  
prohibited for one (1) year.

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

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

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

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

(c) For a third or subsequent offense occurring within  
twelve (12) months of the first offense, the holder of a permit to  
operate a brewpub may be fined an amount not to exceed Five

Thousand Dollars (\$5,000.00) and the permit to operate a brewpub shall be suspended for thirty (30) days.

**SECTION 5.** Section 67-3-70, Mississippi Code of 1972, is amended as follows:

67-3-70. (1) Except as otherwise provided by Section 67-3-54, any person under the age of twenty-one (21) years who purchases or possesses any light wine or beer shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) and a sentence to not more than thirty (30) days' community service.

(2) Any person under the age of twenty-one (21) years who falsely states he is twenty-one (21) years of age or older or presents any document that indicates he is twenty-one (21) years of age or older for the purpose of purchasing or possessing any light wine or beer shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) and \* \* \* a sentence to not more than thirty (30) days community service.

(3) Except as otherwise provided by Section 67-3-54, any person who knowingly purchases light wine or beer for, or gives or makes available light wine or beer to a person under the age of twenty-one (21) years, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) and \* \* \* a sentence to not more than thirty (30) days community service.

(4) The term "community service" as used in this section shall mean work, projects or services for the benefit of the community assigned, supervised and recorded by appropriate public officials.

(5) If a person under the age of twenty-one (21) years is convicted or enters a plea of guilty of violating subsection (1) or subsection (2) of this section, the trial judge, in lieu of the



penalties otherwise provided under this section, shall suspend the minor's driver's license by taking and keeping it in the custody of the court for a period of time not to exceed ninety (90) days. The judge so ordering the suspension shall enter upon his docket "DEFENDANT'S DRIVER'S LICENSE SUSPENDED FOR \_\_\_\_\_ DAYS IN LIEU OF CONVICTION" and such action by the trial judge shall not constitute a conviction. During the period that the minor's driver's license is suspended, the trial judge shall suspend the imposition of any fines or penalties that may be imposed under this section and may place the minor on probation subject to such conditions as the judge deems appropriate. If the minor violates any of the conditions of probation, then the trial judge shall return the driver's license to the minor and impose the fines, penalties, or both, that he would have otherwise imposed, and such action shall constitute a conviction.

The provisions of this subsection (5) shall apply only to a first offense violation of subsection (2) of this section.

(6) Any person who has been charged with a violation of subsections (1) or (2) of this section may, not sooner than one (1) year after the dismissal and discharge or completion of any sentence and/or payment of any fine, apply to the court for an order to expunge from all official records all recordation relating to his arrest, trial, finding or plea of guilty, and dismissal and discharge. If the court determines that such person was dismissed and the proceedings against him discharged or that such person had satisfactorily served his sentence and/or paid his fine, it shall enter such order.

**SECTION 6.** Section 67-1-37, Mississippi Code of 1972, is amended as follows:

[Until July 1, 2003, this section will read as follows:]

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

(a) To issue or refuse to issue any permit provided for by this chapter, or to extend the permit or remit in whole or any

part of the permit monies when the permit cannot be used due to a natural disaster or Act of God.

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

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

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

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

(f) To issue reasonable rules and regulations, not inconsistent with the federal laws or regulations, requiring

informative labeling of all alcoholic beverages offered for sale within this state and providing for the standards of fill and shapes of retail containers of alcoholic beverages; however, such containers shall not contain less than fifty (50) milliliters by liquid measure.

(g) Subject to the provisions of subsection (3) of Section 67-1-51, to issue rules and regulations governing the issuance of retail permits for premises located near or around schools, colleges, universities, churches and other public institutions, and specifying the distances therefrom within which no such permit shall be issued. The alcoholic beverage control division shall not allow the sale or consumption of alcoholic beverages in or on the campus of any public school or college, and no alcoholic beverage shall be for sale or consumed at any public athletic event at any grammar or high school or any college.

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

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

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

(k) To inspect, or cause to be inspected, any premises

where alcoholic liquors intended for sale are manufactured, stored, distributed or sold, and to examine or cause to be examined all books and records pertaining to the business conducted therein.

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

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

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

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

(p) All hearings conducted by the commission shall be open to the public, and, when deemed necessary, a written

transcript shall be made of the testimony introduced thereat.

(q) To adopt and promulgate rules and regulations for suspension or revocation of identification cards of employees of permittees for violations of the alcoholic beverage control laws, rules or regulations.

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

[From and after July 1, 2003, this section will read as follows:]

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

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

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

93-11-157 or 93-11-163, as the case may be, shall control.

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

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

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

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

(g) Subject to the provisions of subsection (3) of Section 67-1-51, to issue rules and regulations governing the issuance of retail permits for premises located near or around schools, colleges, universities, churches and other public institutions, and specifying the distances therefrom within which no such permit shall be issued. The alcoholic beverage control division shall not allow the sale or consumption of alcoholic beverages in or on the campus of any public school or college, and no alcoholic beverage shall be for sale or consumed at any public athletic event at any grammar or high school or any college.

(h) To adopt and promulgate, repeal and amend, such rules, regulations, standards, requirements and orders, not inconsistent with this chapter or any law of this state or of the United States, as it deems necessary to control the manufacture, importation, transportation, distribution and sale of alcoholic liquor, whether intended for beverage or nonbeverage use in a manner not inconsistent with the provisions of this chapter or any

500 other statute, including the native wine laws.

501           (i) To call upon other administrative departments of  
502 the state, county and municipal governments, county and city  
503 police departments and upon prosecuting officers for such  
504 information and assistance as it may deem necessary in the  
505 performance of its duties.

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

512           (k) To inspect, or cause to be inspected, any premises  
513 where alcoholic liquors intended for sale are manufactured,  
514 stored, distributed or sold, and to examine or cause to be  
515 examined all books and records pertaining to the business  
516 conducted therein.

517           (l) In the conduct of any hearing authorized to be held  
518 by the commission, to hear testimony and take proof material for  
519 its information in the discharge of its duties under this chapter;  
520 to issue subpoenas, which shall be effective in any part of this  
521 state, requiring the attendance of witnesses and the production of  
522 books and records; to administer or cause to be administered  
523 oaths; and to examine or cause to be examined any witness under  
524 oath. Any court of record, or any judge thereof, may by order  
525 duly entered require the attendance of witnesses and the  
526 production of relevant books subpoenaed by the commission, and  
527 such court or judge may compel obedience to its or his order by  
528 proceedings for contempt.

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

534           (n) To designate hours and days when alcoholic

535 beverages may be sold in different localities in the state which  
536 permit such sale.

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

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

549           (q) To adopt and promulgate rules and regulations for  
550 suspension or revocation of identification cards of employees of  
551 permittees for violations of the alcoholic beverage control laws,  
552 rules or regulations.

553           **SECTION 7.** Section 67-3-31, Mississippi Code of 1972, is  
554 amended as follows:

555           [Until July 1, 2003, this section will read as follows:]

556           67-3-31. Proceedings for the revocation or suspension of any  
557 permit authorizing the sale of beer or wine at retail for a  
558 violation of any of the provisions of Section 67-3-53 may be  
559 brought in the circuit or county court of the county in which the  
560 licensed premises are located. Such proceedings shall be entitled  
561 in the name of the state and against the permittee and shall be  
562 instituted by filing a complaint with the clerk of the court. The  
563 complaint may be filed by the county prosecuting attorney of the  
564 county upon his own initiative or, then by the district attorney  
565 of the district in which the county is located, and it shall be  
566 mandatory upon the county prosecuting attorney, or district  
567 attorney as the case may be, to file a complaint when requested to  
568 do so by a peace officer or any person as hereinafter provided.  
569 Any peace officer within his jurisdiction or any enforcement



officer of the Alcoholic Beverage Control Division within the  
State Tax Commission who learns that a retail permittee within his  
jurisdiction has violated any of the provisions of such section  
shall file with the county prosecuting attorney of the county in  
which the licensed premises are located, or, then with the  
district attorney of the district in which such county is located,  
an affidavit specifying in detail the facts alleged to constitute  
such violation, and requesting that a complaint be filed against  
the permittee for the revocation or suspension of his permit. A  
like affidavit may be filed with the county prosecuting attorney,  
or district attorney as the case may be, by any person who  
resides, and has for at least one (1) year prior thereto resided  
within the county in which the licensed premises are located  
requesting that a complaint be filed for the revocation or  
suspension of the permittee's permit. Promptly upon receiving any  
such affidavit the county prosecuting attorney, or district  
attorney, shall prepare a proper complaint, which shall be signed  
and sworn to by the person or persons filing the affidavit with  
him, and the county prosecuting attorney or district attorney  
shall file the complaint with the clerk of the circuit or county  
court.

[From and after July 1, 2003, this section will read as  
follows:]

67-3-31. Proceedings for the revocation or suspension of any  
permit authorizing the sale of beer or wine at retail for a  
violation of any of the provisions of Section 67-3-53 may be  
brought in the circuit or county court of the county in which the  
licensed premises are located. Such proceedings shall be entitled  
in the name of the state and against the permittee and shall be  
instituted by filing a complaint with the clerk of the court. The  
complaint may be filed by the county prosecuting attorney of the  
county upon his own initiative or, then by the district attorney  
of the district in which the county is located, and it shall be  
mandatory upon the county prosecuting attorney, or district  
attorney as the case may be, to file a complaint when requested to

do so by a peace officer or any person as hereinafter provided. Any peace officer who learns that a retail permittee within his jurisdiction has violated any of the provisions of such section shall file with the county prosecuting attorney of the county in which the licensed premises are located, or, then with the district attorney of the district in which such county is located, an affidavit specifying in detail the facts alleged to constitute such violation, and requesting that a complaint be filed against the permittee for the revocation or suspension of his permit. A like affidavit may be filed with the county prosecuting attorney, or district attorney as the case may be, by any person who resides, and has for at least one (1) year prior thereto resided within the county in which the licensed premises are located requesting that a complaint be filed for the revocation or suspension of the permittee's permit. Promptly upon receiving any such affidavit the county prosecuting attorney, or district attorney, shall prepare a proper complaint, which shall be signed and sworn to by the person or persons filing the affidavit with him, and the county prosecuting attorney or district attorney shall file the complaint with the clerk of the circuit or county court.

**SECTION 8.** Section 67-3-37, Mississippi Code of 1972, is amended as follows:

[Until July 1, 2003, this section will read as follows:]

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

It shall be the duty of all peace officers \* \* \*, within their jurisdiction, and all enforcement officers of the Alcoholic Beverage Control Division of the State Tax Commission to enforce the provisions of Section 67-3-53 and they shall frequently visit all licensed premises within their jurisdiction to determine whether such permittees are complying with the laws. They shall promptly investigate all complaints made to them by any citizen

relative to any alleged violations of such section within their jurisdiction. When any peace officer or enforcement officer of the Alcoholic Beverage Control Division has knowledge of a violation of such section committed by a permittee within his jurisdiction, it shall be his duty forthwith to file an affidavit with the county prosecuting attorney or district attorney requesting that a complaint be filed for the revocation or suspension of the permit of the permittee.

**[From and after July 1, 2003, this section will read as follows:]**

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

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

**SECTION 9.** This act shall take effect and be in force from and after its passage.

**Further, amend by striking the title in its entirety and inserting in lieu thereof the following:**

AN ACT TO CREATE A NEW CODE SECTION TO BE CODIFIED AS SECTION 67-3-74, MISSISSIPPI CODE OF 1972, TO AUTHORIZE ENFORCEMENT OFFICERS OF THE ALCOHOLIC BEVERAGE CONTROL DIVISION OF THE STATE TAX COMMISSION TO ASSIST IN THE ENFORCEMENT OF CERTAIN PROVISIONS OF THE LAW REGULATING LIGHT WINE AND BEER; TO AMEND SECTION 67-3-29, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE TAX COMMISSION MAY REVOKE OR SUSPEND A PERMIT OF A RETAILER FOR THE SALE OF LIGHT WINE OR BEER TO A PERSON UNDER THE AGE OF 21 ONLY

9 UNTIL THERE HAS BEEN A CONVICTION OF THE PERMIT HOLDER OR AN  
10 EMPLOYEE OF THE PERMIT HOLDER FOR SUCH SALE; TO AMEND SECTIONS  
11 67-1-81, 67-3-69 AND 67-3-70, MISSISSIPPI CODE OF 1972, TO PROVIDE  
12 THAT IN CERTAIN CASES A TRIAL JUDGE SHALL SUSPEND THE DRIVER'S  
13 LICENSE OF A MINOR WHO UNLAWFULLY POSSESSES OR PURCHASES ALCOHOLIC  
14 BEVERAGES, BEER OR LIGHT WINE IN LIEU OF CONVICTION FOR SUCH  
15 OFFENSES; TO PROVIDE THAT THE JUDGE MAY PLACE THE MINOR ON  
16 PROBATION DURING THE PERIOD OF THE DRIVER'S LICENSE SUSPENSION,  
17 SUBJECT SUCH CONDITIONS AS THE JUDGE DEEMS APPROPRIATE; TO  
18 INCREASE THE PENALTY FOR POSSESSION OF ALCOHOLIC BEVERAGES, LIGHT  
19 WINE OR BEER; TO INCREASE THE PENALTY FOR UNLAWFUL SALE OF LIGHT  
20 WINE OR BEER; TO AMEND SECTIONS 67-1-37, 67-3-31 AND 67-3-37,  
21 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO PROVIDE THAT  
22 THE ENFORCEMENT AUTHORITY GRANTED TO OFFICERS OF THE DIVISION  
23 SHALL BE REPEALED ON JULY 1, 2003; AND FOR RELATED PURPOSES.