

BILL ANALYSIS

H.B. 2005

By: Moreno, Joe E.

Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the Alcoholic Beverage Code requires that commissioners or county judges issue original or renewal permits for alcoholic beverage licenses. These include permits and licenses for applications for wine and beer retailers, distributors, and retail dealer's on-premise licenses. The commission or county judge may refuse one of these licenses if it finds that three, and in some sections two years, have not elapsed since completion of a sentence imposed on the applicant for the conviction of a felony.

House Bill 2005 increases to five years the elapsed time since the completion of a felony sentence for an applicant and makes this provision consistent throughout the Alcoholic Beverage Code.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Amends Section 11.46(a), Alcoholic Beverage Code by authorizing denial of an alcoholic beverage permit if five years have not passed since the termination of a sentence imposed on the applicant for the conviction of a felony.

Amends Sections 25.06 (a), (b), and (c), Alcoholic Beverage Code as follows: (a) Allows the county judge to deny an original application for a wine and beer retailer's permit if he finds that the applicant, or the applicant's spouse, during the five years immediately preceding the application, was finally convicted of a felony or one of the following offenses: prostitution; a vagrancy offense involving moral turpitude; bookmaking; gambling or gaming; an offense involving controlled substances as defined in Chapter 481, Health and Safety Code or other dangerous drugs; a violation of this code resulting in the cancellation of a license or permit, or a fine of not less than \$500; more than three violations of this code relating to minors; bootlegging; or an offense involving firearms or deadly weapon.

(b) Allows the county judge to deny an original application for a permit if he finds that five years have not elapsed since the termination of a sentence, parole, or probation served by the applicant of the applicant's spouse because of a felony conviction or conviction of any of the offenses described in Subsection (a) of this section.

(c) Allows the commissioner to refuse to issue a renewal of a wine or beer retailer's permit if it finds: (1) that the applicant, or the applicant's spouse, has been convicted of a felony or one of the offenses listed in Subsection (a) of this section at any time during the five years immediately preceding the filing of the application for renewal; or (2) that five years have not elapsed since the termination of a sentence imposed on the applicant or applicant's spouse for the conviction of a felony or any of the offenses described in Subsection (a) of this section.

Amends Section 61.42 (a), Alcoholic Beverage Code to read as follows:

(a) Allows the county judge to refuse to approve an application for a license as a distributor or retailer if he has reasonable grounds to believe and finds that: (6) the applicant was finally convicted of a felony

during the five years immediately preceding the filing of his application;

Amends Section 61.43(a), Alcoholic Beverage Code to read as follows: (a) Allows the county judge to refuse to approve an application for a license as a distributor or retailer if he has reasonable grounds to believe and finds that: (2) five years has not elapsed since the termination, by pardon or otherwise, of a sentence imposed for conviction of a felony.

Amends Section 69.06(a), (b), and (c), Alcoholic Beverage Code to read as follows: (a) Allows the county judge to deny an original application for a wine and beer retailer's permit if he finds that the applicant, or the applicant's spouse, during the five years immediately preceding the application, was finally convicted of a felony or one of the following offenses: prostitution; a vagrancy offense involving moral turpitude; bookmaking; gambling or gaming; an offense involving controlled substances as defined in Chapter 481, Health and Safety Code or other dangerous drugs; a violation of this code resulting in the cancellation of a license or permit, or a fine of not less than \$500; more than three violations of this code relating to minors; bootlegging; or an offense involving firearms or deadly weapon. (b) Allows the county judge to deny an original application for a permit if he finds that five years have not elapsed since the termination of a sentence, parole, or probation served by the applicant of the applicant's spouse because of a felony conviction or conviction of any of the offenses described in Subsection (a) of this section. (c) Allows the commissioner to refuse to issue a renewal of a wine or beer retailer's permit if it finds: (1) that the applicant, or the applicant's spouse, has been convicted of a felony or one of the offenses listed in Subsection (a) of this section at any time during the five years immediately preceding the filing of the application for renewal; or (2) that five years have not elapsed since the termination of a sentence imposed on the applicant or applicant's spouse for the conviction of a felony or any of the offenses described in Subsection (a) of this section.

EFFECTIVE DATE

September 1, 2003.