

## **BILL ANALYSIS**

C.S.H.B. 2451  
By: Moreno, Joe E.  
Licensing & Administrative Procedures  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, if a permittee or licensee holds a wine and beer retailer's permit or a beer retailer's license, and that permittee or licensee sells beer or wine after the legal hours of sale, or allows its consumption, there is a specific charge for that violation in the code and it is an administrative violation as well as a criminal violation. However, if a permittee holds a mixed beverage permit or a private club permit and sells or serves after hours, or allows consumption after hours, there is not a specific charge, making criminal prosecution much more difficult.

C.S.H.B. 2451 would provide a specific criminal charge for mixed beverage permit holders or private club permit holders which serve, sell, or allow the consumption of distilled spirits, beer, or wine after hours.

### **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**

SECTION 1. Amends Section 11.61 (b), Alcoholic Beverage Code, by authorizing the commission or administrator to suspend for not more than 60 days or cancel an original or renewal permit if it is found, after notice and hearing, that any of the following is true:

(22) the permittee consumed an alcoholic beverage or permitted one to be consumed on the licensed premises at a time when the consumption of alcoholic beverages is prohibited by this code; or

(23) the permittee sold, served, or delivered an alcoholic beverage at a time when its sale is prohibited.

SECTION 2. Amends Section 105.06 (e), Alcoholic Beverage Code, providing that an offense under this section is a Class C misdemeanor, rather than punishable by a fine of not more than \$50.

SECTION 3. Application of the Act.

SECTION 4. Effective date.

### **EFFECTIVE DATE**

September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 2451 modifies the bill by striking language from statute that would have allowed a permittee who had committed a violation to pay a fine of not more than \$50.

The substitute modifies the bill by correcting the numbering of certain sections that was incorrect in the original.

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