

Amend **CSSB 89** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 11, Alcoholic Beverage Code, is amended by adding Section 11.614 to read as follows:

Sec. 11.614. INJUNCTIVE RELIEF. (a) This section applies to a proceeding to cancel or suspend a permit that authorizes the permit holder to sell alcoholic beverages for on-premises consumption.

(b) The commission or administrator may file a motion with the State Office of Administrative Hearings for injunctive relief while the proceeding to cancel or suspend the permit is pending.

(c) If the administrator or commission establishes that there are ongoing criminal acts on the permitted premises that constitute a threat to the public health, safety, or welfare, the administrative law judge may enter an order to stop the criminal activity from occurring on the permitted premises while the contested case is pending. Except as provided by Subsection (f), an administrative law judge may not issue an injunctive order without notice and a hearing.

(d) If a permit holder violates an order issued under this section, the administrative law judge shall:

- (1) cancel the permit holder's permit;
- (2) suspend the permit holder's permit; or
- (3) impose a civil fine on the permit holder.

(e) The commission or administrator may file a motion with the administrative law judge requesting a hearing on the issue of whether the permit holder violated an order issued under this section. The administrative law judge shall hold the hearing after the 10th day after the date the motion for a hearing is filed and before the 21st day after the date the motion for a hearing is filed.

(f) On application by the administrator or commission, the administrative law judge may enter a temporary order without notice to the permit holder to stop ongoing criminal activity that immediately threatens the public health, safety, or welfare. A temporary order must expire not later than the 10th day after the

date the order is entered. Before the temporary order expires, the administrative law judge shall hold a hearing on the question of whether the temporary order should be extended for the duration of the contested case.

(g) The administrative law judge shall give priority to a hearing for temporary relief over all other matters pending before the administrative law judge.

(h) At the close of the contested case, if the permit holder continues to operate, the administrative law judge may issue a permanent order imposing conditions on the permit holder to prevent the reoccurrence of the criminal activity on the permit holder's premises.

SECTION _____. Subchapter C, Chapter 61, Alcoholic Beverage Code, is amended by adding Section 61.722 to read as follows:

Sec. 61.722. INJUNCTIVE RELIEF. (a) This section applies to a proceeding to cancel or suspend a license that authorizes the license holder to sell alcoholic beverages for on-premises consumption.

(b) The commission or administrator may file a motion with the State Office of Administrative Hearings for injunctive relief while the proceeding to cancel or suspend the license is pending.

(c) If the administrator or commission establishes that there are ongoing criminal acts on the licensed premises that constitute a threat to the public health, safety, or welfare, the administrative law judge may enter an order to stop the criminal activity from occurring on the licensed premises while the contested case is pending. Except as provided by Subsection (f), an administrative law judge may not issue an injunctive order without notice and a hearing.

(d) If a license holder violates an order issued under this section, the administrative law judge shall:

- (1) cancel the license holder's license;
- (2) suspend the license holder's license; or
- (3) impose a civil fine on the license holder.

(e) The commission or administrator may file a motion with the administrative law judge requesting a hearing on the issue of whether the license holder violated an order issued under this

section. The administrative law judge shall hold the hearing after the 10th day after the date the motion for a hearing is filed and before the 21st day after the date the motion for a hearing is filed.

(f) On application by the administrator or commission, the administrative law judge may enter a temporary order without notice to the license holder to stop ongoing criminal activity that immediately threatens the public health, safety, or welfare. A temporary order must expire not later than the 10th day after the date the order is entered. Before the temporary order expires, the administrative law judge shall hold a hearing on the question of whether the temporary order should be extended for the duration of the contested case.

(g) The administrative law judge shall give priority to a hearing for temporary relief over all other matters pending before the administrative law judge.

(h) At the close of the contested case, if the license holder continues to operate, the administrative law judge may issue a permanent order imposing conditions on the license holder to prevent the reoccurrence of the criminal activity on the license holder's premises.

SECTION _____. The changes in law made by this Act by the enactment of Sections 11.614 and 61.722, Alcoholic Beverage Code, apply only to a proceeding to suspend or cancel a permit or license commenced on or after the effective date of this Act. A proceeding to suspend or cancel a permit or license commenced before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.