

By: Quintanilla

H.B. No. 3489

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the grounds for suspension of certain alcoholic
3 beverage permits and licenses.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter C, Chapter 11, Alcoholic Beverage
6 Code, is amended by adding Section 11.614 to read as follows:

7 Sec. 11.614. PETITION FOR SUSPENSION. (a) The commission
8 or the administrator shall temporarily suspend the permit of a
9 person permitted to sell alcoholic beverages for on-premises
10 consumption if the commission receives a petition requesting
11 suspension of the permit that:

12 (1) is signed by 25 individuals:

13 (A) who reside on property located within 100
14 feet of the property line of the permitted premises; or

15 (B) who reside in an area served by an
16 established neighborhood association whose boundaries lie within
17 100 feet of the property line of the permitted premises;

18 (2) alleges that:

19 (A) the permit holder is using or allowing others
20 to use the permitted premises in a manner that constitutes a common
21 nuisance, as defined by Section 125.001, Civil Practice and
22 Remedies Code, or by Section 101.70(a) of this code; or

23 (B) continuous acts of lewd behavior or other
24 criminal activity have occurred on the permitted premises; and

1 (3) is supported by evidence showing a history of
2 police response to the permitted premises because of the criminal
3 activity.

4 (b) After the commission or administrator receives a
5 petition, the commission or administrator shall attempt to mediate
6 a resolution between the residents and the permit holder.

7 (c) If the commission or administrator is not able to
8 resolve the dispute, the commission or administrator shall hold a
9 hearing to determine whether to end the suspension, continue the
10 suspension, or cancel the permit. The commission or administrator
11 shall hold the hearing not later than the 30th day after the date
12 the commission or administrator receives the petition.

13 (d) The commission or administrator shall give the permit
14 holder notice of the hearing and of the permit holder's right to
15 appear and show cause why the permit should not be canceled.

16 (e) The commission or administrator shall render a decision
17 not later than the fourth day after the date the hearing concludes.

18 (f) The commission or administrator may not suspend a permit
19 under this section if the permit holder employs a licensed security
20 guard or an off-duty peace officer to provide security for the
21 permitted premises.

22 SECTION 2. Subchapter C, Chapter 61, Alcoholic Beverage
23 Code, is amended by adding Section 61.722 to read as follows:

24 Sec. 61.722. PETITION FOR SUSPENSION. (a) The commission
25 or the administrator shall temporarily suspend the license of a
26 person licensed to sell alcoholic beverages for on-premises
27 consumption if the commission receives a petition requesting

1 suspension of the license that:

2 (1) is signed by 25 individuals:

3 (A) who reside on property located within 100
4 feet of the property line of the licensed premises; or

5 (B) who reside in an area served by an
6 established neighborhood association whose boundaries lie within
7 100 feet of the property line of the licensed premises;

8 (2) alleges that:

9 (A) the license holder is using or allowing
10 others to use the licensed premises in a manner that constitutes a
11 common nuisance, as defined by Section 125.001, Civil Practice and
12 Remedies Code, or by Section 101.70(a) of this code; or

13 (B) continuous acts of lewd behavior or other
14 criminal activity have occurred on the licensed premises; and

15 (3) is supported by evidence showing a history of
16 police response to the licensed premises because of the criminal
17 activity.

18 (b) After the commission or administrator receives a
19 petition, the commission or administrator shall attempt to mediate
20 a resolution between the residents and the license holder.

21 (c) If the commission or administrator is not able to
22 resolve the dispute, the commission or administrator shall hold a
23 hearing to determine whether to end the suspension, continue the
24 suspension, or cancel the license. The commission or administrator
25 shall hold the hearing not later than the 30th day after the date
26 the commission or administrator receives the petition.

27 (d) The commission or administrator shall give the license

1 holder notice of the hearing and of the license holder's right to
2 appear and show cause why the license should not be canceled.

3 (e) The commission or administrator shall render a decision
4 not later than the fourth day after the date the hearing concludes.

5 (f) The commission or administrator may not suspend a
6 license under this section if the license holder employs a licensed
7 security guard or an off-duty peace officer to provide security for
8 the licensed premises.

9 SECTION 3. This Act takes effect September 1, 2009.