

By: Burnam, Quintanilla, Gutierrez, Menendez

H.B. No. 2707

Substitute the following for H.B. No. 2707:

By: Kuempel

C.S.H.B. No. 2707

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the holding of an interest in certain alcoholic  
3 beverage licenses, permits, or premises by certain persons whose  
4 alcoholic beverage license or permit has been revoked.

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

6 SECTION 1. This Act shall be known as Erik's Law.

7 SECTION 2. Subchapter B, Chapter 11, Alcoholic Beverage  
8 Code, is amended by adding Section 11.481 to read as follows:

9 Sec. 11.481. REFUSAL OF PERMIT AUTHORIZING ON-PREMISES  
10 CONSUMPTION. (a) In this section, "applicant" has the meaning  
11 assigned by Section 11.45.

12 (b) The commission or administrator shall refuse to issue an  
13 original or renewal permit authorizing on-premises consumption of  
14 alcoholic beverages, with or without a hearing, if the commission  
15 or administrator has reasonable grounds to believe and finds that,  
16 during the three years preceding the date the permit application  
17 was filed, a license or permit previously held under this code by  
18 the applicant, a person who owns the premises for which the permit  
19 is sought, or an officer of a person who owns the premises for which  
20 the permit is sought was canceled or not renewed as a result of a  
21 shooting, stabbing, or other violent act.

22 (c) This section does not apply to the issuance of an  
23 original or renewal permit authorizing on-premises consumption for  
24 a location that also holds a food and beverage certificate but does

1 not hold a late hours permit.

2 SECTION 3. Subchapter B, Chapter 61, Alcoholic Beverage  
3 Code, is amended by adding Section 61.421 to read as follows:

4 Sec. 61.421. REFUSAL OF LICENSE AUTHORIZING ON-PREMISES  
5 CONSUMPTION. (a) In this section, "applicant" has the meaning  
6 assigned by Section 11.45.

7 (b) The commission or administrator, with or without a  
8 hearing, or the county judge, shall refuse to issue or approve an  
9 original or renewal license authorizing on-premises consumption of  
10 alcoholic beverages if the commission, administrator, or county  
11 judge has reasonable grounds to believe and finds that, during the  
12 three years preceding the date the license application was filed, a  
13 license or permit previously held under this code by the applicant,  
14 a person who owns the premises for which the license is sought, or  
15 an officer of a person who owns the premises for which the license  
16 is sought was canceled or not renewed as a result of a shooting,  
17 stabbing, or other violent act.

18 (c) This section does not apply to the issuance of an  
19 original or renewal license authorizing on-premises consumption  
20 for a location that holds a food and beverage certificate but does  
21 not hold a late hours license.

22 SECTION 4. The change in law made by this Act applies only  
23 to an application for an original or renewal license or permit that  
24 is filed on or after the effective date of this Act. An application  
25 filed before the effective date of this Act is governed by the law  
26 in effect immediately before that date, and that law is continued in  
27 effect for that purpose.

1           SECTION 5. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2011.