

1-1 By: Burnam, et al. (Senate Sponsor - Davis) H.B. No. 2707
1-2 (In the Senate - Received from the House May 12, 2011;
1-3 May 12, 2011, read first time and referred to Committee on Business
1-4 and Commerce; May 18, 2011, reported favorably by the following
1-5 vote: Yeas 8, Nays 0; May 18, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the holding of an interest in certain alcoholic
1-9 beverage licenses, permits, or premises by certain persons whose
1-10 alcoholic beverage license or permit has been revoked.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. This Act shall be known as Erik's Law.

1-13 SECTION 2. Subchapter B, Chapter 11, Alcoholic Beverage
1-14 Code, is amended by adding Section 11.481 to read as follows:

1-15 Sec. 11.481. REFUSAL OF PERMIT AUTHORIZING ON-PREMISES
1-16 CONSUMPTION. (a) In this section, "applicant" has the meaning
1-17 assigned by Section 11.45.

1-18 (b) The commission or administrator shall refuse to issue an
1-19 original or renewal permit authorizing on-premises consumption of
1-20 alcoholic beverages, with or without a hearing, if the commission
1-21 or administrator has reasonable grounds to believe and finds that,
1-22 during the three years preceding the date the permit application
1-23 was filed, a license or permit previously held under this code by
1-24 the applicant, a person who owns the premises for which the permit
1-25 is sought, or an officer of a person who owns the premises for which
1-26 the permit is sought was canceled or not renewed as a result of a
1-27 shooting, stabbing, or other violent act.

1-28 (c) This section does not apply to the issuance of an
1-29 original or renewal permit authorizing on-premises consumption for
1-30 a location that also holds a food and beverage certificate but does
1-31 not hold a late hours permit.

1-32 SECTION 3. Subchapter B, Chapter 61, Alcoholic Beverage
1-33 Code, is amended by adding Section 61.421 to read as follows:

1-34 Sec. 61.421. REFUSAL OF LICENSE AUTHORIZING ON-PREMISES
1-35 CONSUMPTION. (a) In this section, "applicant" has the meaning
1-36 assigned by Section 11.45.

1-37 (b) The commission or administrator, with or without a
1-38 hearing, or the county judge, shall refuse to issue or approve an
1-39 original or renewal license authorizing on-premises consumption of
1-40 alcoholic beverages if the commission, administrator, or county
1-41 judge has reasonable grounds to believe and finds that, during the
1-42 three years preceding the date the license application was filed, a
1-43 license or permit previously held under this code by the applicant,
1-44 a person who owns the premises for which the license is sought, or
1-45 an officer of a person who owns the premises for which the license
1-46 is sought was canceled or not renewed as a result of a shooting,
1-47 stabbing, or other violent act.

1-48 (c) This section does not apply to the issuance of an
1-49 original or renewal license authorizing on-premises consumption
1-50 for a location that holds a food and beverage certificate but does
1-51 not hold a late hours license.

1-52 SECTION 4. The change in law made by this Act applies only
1-53 to an application for an original or renewal license or permit that
1-54 is filed on or after the effective date of this Act. An application
1-55 filed before the effective date of this Act is governed by the law
1-56 in effect immediately before that date, and that law is continued in
1-57 effect for that purpose.

1-58 SECTION 5. This Act takes effect immediately if it receives
1-59 a vote of two-thirds of all the members elected to each house, as
1-60 provided by Section 39, Article III, Texas Constitution. If this
1-61 Act does not receive the vote necessary for immediate effect, this
1-62 Act takes effect September 1, 2011.

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