

By: Herrero

H.B. No. 3268

A BILL TO BE ENTITLED

AN ACT

relating to grounds for denial of applications for certain alcoholic beverage permits or licenses.

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

SECTION 1. Sections 25.06(a), (b), and (c), Alcoholic Beverage Code, are amended to read as follows:

(a) The county judge shall deny an original application for a wine and beer retailer's permit if the county judge ~~he~~ finds that the applicant, ~~[or the applicant's spouse,]~~ during the five years immediately preceding the application, was finally convicted of a felony or one of the following offenses:

(1) prostitution;

(2) a vagrancy offense involving moral turpitude;

(3) bookmaking;

(4) gambling or gaming;

(5) an offense involving controlled substances as defined in Chapter 481, Health and Safety Code, or other dangerous drugs;

(6) a violation of this code resulting in the cancellation of a license or permit, or a fine of not less than \$500;

(7) more than three violations of this code relating to minors;

(8) bootlegging; or

1 (9) an offense involving firearms or a deadly weapon.

2 (b) The county judge shall also deny an original application  
3 for a permit if the county judge [~~he~~] finds that five years have not  
4 elapsed since the termination of a sentence, parole, or probation  
5 served by the applicant [~~or the applicant's spouse~~] because of a  
6 felony conviction or conviction of any of the offenses described in  
7 Subsection (a) [~~of this section~~].

8 (c) The commission shall refuse to issue a renewal of a wine  
9 or beer retailer's permit if it finds:

10 (1) that the applicant [~~, or the applicant's spouse,~~]  
11 has been convicted of a felony or one of the offenses listed in  
12 Subsection (a) [~~of this section~~] at any time during the five years  
13 immediately preceding the filing of the application for renewal; or

14 (2) that five years have not elapsed since the  
15 termination of a sentence, parole, or probation served by the  
16 applicant [~~, or the applicant's spouse,~~] because of a felony  
17 conviction or conviction of any of the offenses described in  
18 Subsection (a) [~~of this section~~].

19 SECTION 2. Sections 69.06(a), (b), and (c), Alcoholic  
20 Beverage Code, are amended to read as follows:

21 (a) The county judge shall deny an original application for  
22 a retail dealer's on-premise license if the county judge [~~he~~] finds  
23 that the applicant [~~or the applicant's spouse~~], during the five  
24 years immediately preceding the application, was finally convicted  
25 of a felony or one of the following offenses:

26 (1) prostitution;

27 (2) a vagrancy offense involving moral turpitude;

- 1           (3) bookmaking;
- 2           (4) gambling or gaming;
- 3           (5) an offense involving controlled substances as  
4 defined in Chapter 481, Health and Safety Code, [~~the Texas~~  
5 ~~Controlled Substances Act~~] or other dangerous drugs;
- 6           (6) a violation of this code resulting in the  
7 cancellation of a license or permit, or a fine of not less than  
8 \$500;
- 9           (7) more than three violations of this code relating  
10 to minors;
- 11          (8) bootlegging; or
- 12          (9) an offense involving firearms or a deadly weapon.

13          (b) The county judge shall also deny an original application  
14 for a license if the county judge [~~he~~] finds that five years has not  
15 elapsed since the termination of a sentence, parole, or probation  
16 served by the applicant [~~or the applicant's spouse~~] because of a  
17 felony conviction or conviction of any of the offenses described in  
18 Subsection (a) [~~of this section~~].

19          (c) The commission shall refuse to issue a renewal of a  
20 retail dealer's on-premise license if it finds:

21           (1) that the applicant [~~or the applicant's spouse~~] has  
22 been finally convicted of a felony or one of the offenses listed in  
23 Subsection (a) [~~of this section~~] at any time during the five years  
24 immediately preceding the filing of the application for renewal; or

25           (2) that five years has not elapsed since the  
26 termination of a sentence, parole, or probation served by the  
27 applicant [~~or the applicant's spouse~~] because of a felony

1 prosecution or prosecution for any of the offenses described in  
2 Subsection (a) [~~of this section~~].

3       SECTION 3. The change in law made by this Act applies only  
4 to an application for a permit or license made on or after the  
5 effective date of this Act. An application made before the  
6 effective date of this Act is governed by the law applicable to the  
7 application immediately before the effective date of this Act, and  
8 that law is continued in effect for that purpose.

9       SECTION 4. This Act takes effect September 1, 2015.