

BILL ANALYSIS

Senate Research Center
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H.B. 2005
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Business & Commerce
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Engrossed

DIGEST AND PURPOSE

Currently, the Alcoholic Beverage Code requires that the Texas Alcoholic Beverage Commission (TABC) or county judges issue original or renewal permits for alcoholic beverage licenses. These include permits and licenses for applications for wine and beer retailers, distributors, and retail dealer's on-premise licenses. Currently TABC or a county judge may refuse to approve one of these licenses if it finds that three, and in some cases two years, have not elapsed since completion of a sentence imposed on the applicant for the conviction of a felony or since a conviction of a felony or certain offenses. H.B. 2005 increases the threshold from three or two years since conviction or completion of sentence, to five years.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11.46(a), Alcoholic Beverage Code, to authorize the Texas Alcoholic Beverage Commission (TABC) or administrator to refuse to issue an original or renewal permit with or without a hearing if it has reasonable grounds to believe and finds that five years, rather than three years, have not elapsed since the termination by pardon or otherwise of a sentence imposed on the applicant for the conviction of a felony, as well as other circumstances.

SECTION 2. Amends Sections 25.06(a), (b), and (c), Alcoholic Beverage Code, as follows:

(a) Requires a county judge to deny an original application for a wine and beer retailer's permit if he finds that the applicant, or the applicant's spouse, during the five years, rather than three years, immediately preceding the application, was finally convicted of a felony or one of certain offenses.

(b) Requires a county judge also to deny an original application for a permit if he finds that five years, rather than three years, have not elapsed since the termination of a sentence, parole, or probation served by the applicant, or the applicant's spouse, because of felony conviction, or conviction of any of the offenses described in Subsection (a) of this section.

(c) Requires TABC to refuse to issue a renewal of a wine or beer retailer's permit if it finds that the applicant, or the applicant's spouse has been convicted of a felony or one of the offenses listed in Subsection (a) of this section at any time during the five years, rather than three years, immediately preceding the filing of the application for renewal or that five years, rather than three years, have not elapsed since the termination of a sentence, parole, or probation served by the applicant, or the applicant's spouse, of felony conviction, or conviction of any of the offenses described in Subsection (a) of this section.

SECTION 3. Amends Section 61.42(a), Alcoholic Beverage Code, to require the county judge to

refuse to approve an application for a license as a distributor or retailer if he has reasonable grounds to believe and finds that the applicant was finally convicted of a felony during the five years, rather than two years, immediately preceding the filing of his application, or other circumstances.

SECTION 4. Amends Section 61.43(a), Alcoholic Beverage Code, to authorize a county judge to refuse to approve an application for a license as a distributor or retailer if the county judge finds that five years, rather than two years, have not elapsed since the termination, by pardon or otherwise, of a sentence imposed for conviction of a felony, as well as other circumstances.

SECTION 5. Amends Sections 69.06(a), (b), and (c), Alcoholic Beverage Code, as follows:

(a) Requires the county judge to deny an original application for a retail dealer's on-premise license if he finds that the applicant or the applicant's spouse, during the five years, rather than three years, immediately preceding the application, was finally convicted of a felony or one of certain offenses.

(b) Requires a county judge also to deny an original application for a license if he finds that five years, rather than three years, have not elapsed since the termination of a sentence, parole, or probation served by the applicant, or the applicant's spouse, because of felony conviction, or conviction of any of the offenses described in Subsection (a) of this section.

(c) Requires TABC to refuse to issue a renewal of a retailer dealer's on-premis license if it finds that the applicant, or the applicant's spouse has been finally convicted of a felony or one of the offenses listed in Subsection (a) of this section at any time during the five years, rather than three years, immediately preceding the filing of the application for renewal, or that five years, rather than three years, have not elapsed since the termination of a sentence, parole, or probation served by the applicant, or the applicant's spouse, because of felony prosecution, or prosecution for any of the offenses described in Subsection (a) of this section.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 2003.