



1                    **(2) Be a person whose prior activities, criminal record, if any, reputation,**  
2                    **habits, and associations do not pose a threat to the public interest of this state**  
3                    **or to the effective regulation and control of alcoholic beverages, or create or**  
4                    **enhance the dangers of unsuitable, unfair, or illegal practices, methods, and**  
5                    **operations in the activities authorized by this Chapter and financial**  
6                    **arrangements incidental thereto.**

7                    ~~(2)~~ **(3)** Be a citizen of the United States and the state of Louisiana and a  
8                    resident of the state of Louisiana continuously for a period of not less than two years  
9                    next preceding the date of the filing of the application. However, the requirements  
10                   as to Louisiana citizenship do not apply to wholesalers or retailers who held permits  
11                   on or prior to January 1, 1946.

12                   ~~(3)~~ **(4)** Be the owner of the premises, have a bona fide written lease therefor,  
13                   or be a commercial lessor or a non-commercial lessor licensed pursuant to R.S. 4:701  
14                   et seq., exclusively for the sole purpose of conducting charitable gaming.

15                   ~~(4)~~ **(5)** Have not been convicted of a felony under the laws of the United  
16                   States, the state of Louisiana, or any other state or country.

17                   ~~(5)~~ **(6)** Have not been convicted in this or in any other state or by the United  
18                   States or any other country of soliciting for prostitution, pandering, letting premises  
19                   for prostitution, contributing to the delinquency of juveniles, keeping a disorderly  
20                   place, or illegally dealing in controlled dangerous substances, **theft or any crime**  
21                   **involving false statements or declarations, or gambling as defined by the laws**  
22                   **and ordinances of any municipality, any parish, any state, or the United States.**

23                   ~~(6)~~ **(7)** Have not had a license or permit to sell or deal in alcoholic beverages,  
24                   issued by the United States, any state, or by any political subdivision of a state  
25                   authorized to issue permits or licenses, revoked within two years prior to the  
26                   application, or been convicted or had a judgment of court rendered against the  
27                   applicant involving alcoholic beverages by this or any other state or by the United  
28                   States for two years prior to the application.

29                   ~~(7)~~ **(8)** Have not been adjudged by the commissioner, or convicted by a court

1 of violating any of the provisions of this Chapter.

2 ~~(8)~~**(9)** Have not been convicted of violating any municipal or parish  
3 ordinances adopted pursuant to the provisions of this Chapter. If the applicant has  
4 been so convicted, the granting of a permit or of a renewal shall be within the  
5 discretion of the commissioner.

6 ~~(9)~~**(10)** Not be the spouse of a person who does not meet the requirements of  
7 Paragraphs (1), **(2)** and ~~(3)~~**(4)** through (8), **(9)** and ~~(10)~~**(11)** of this Subsection;  
8 however, in such cases the age of the ineligible spouse shall be immaterial.

9 ~~(10)~~**(11)** Not owe the state or the local governmental subdivisions in which  
10 the application is made any delinquent sales taxes, penalties, or interest, excluding  
11 items under formal appeal pursuant to applicable statutes.

12 \* \* \*

13 F.(1) \* \* \*

14 (2) In the granting of a permit, a conviction or plea of guilty or nolo  
15 contendere by the applicant shall not constitute an automatic disqualification of the  
16 applicant as otherwise required pursuant to the provisions of Paragraph (A)~~(4)~~**(5)** of  
17 this Section, if all of the following criteria are met:

18 \* \* \*

19 **H. Notwithstanding the provisions of Subsections F and G, evidence of**  
20 **or relating to an arrest, summons, charge, or indictment of an applicant, or the**  
21 **dismissal thereof, may be considered by the commissioner in determining**  
22 **suitability even if the arrest, summons, charge or indictment results in acquittal,**  
23 **deferred adjudication, probation, parole, or pardon.**

24 **I.**(1) In order to determine suitability, the applicant, members of a partnership  
25 recognized by Louisiana law, the officers and directors of a corporation, the  
26 stockholders of a corporation, and members of a limited liability company owning  
27 more than five percent of such a corporation or company shall be fingerprinted. If  
28 no disqualifying record is identified at the state level, the fingerprints shall be  
29 forwarded by the Department of Public Safety and Corrections, Public Safety

1 Services, office of state police, to the Federal Bureau of Investigation (F.B.I.) for a  
2 national criminal history record check.

3 (2) In order to determine the suitability of an applicant, the office of alcohol  
4 and tobacco control shall require members of a partnership recognized by Louisiana  
5 law, the officers and directors of a corporation, the stockholders of a corporation, and  
6 members of a limited liability company owning more than five percent of such a  
7 corporation or company, to furnish to the office of alcohol and tobacco control a full  
8 set of fingerprints to enable a criminal background investigation to be conducted.  
9 The office of alcohol and tobacco control shall submit the completed fingerprint card  
10 to the office of state police. The office of state police is authorized to submit the  
11 fingerprints to the F.B.I. for a national criminal history background check.

12 (3) The office of alcohol and tobacco control shall require a background  
13 investigation by means of fingerprint checks by the office of state police and the  
14 F.B.I. of each applicant, members of a partnership recognized by Louisiana law, the  
15 officers and directors of a corporation, the stockholders of a corporation, and  
16 members of a limited liability company owning more than five percent of such a  
17 corporation or company applying for an alcoholic beverage permit.

18 (4) In addition to the other requirements established by law, the submittal of  
19 fingerprints shall be a prerequisite to the issuance of a permanent alcoholic beverage  
20 permit by means of fingerprint checks by the office of state police and the F.B.I.

21 (5) The office of state police shall require each applicant, members of a  
22 partnership recognized by Louisiana law, officers and directors of a corporation, the  
23 stockholders of a corporation, and the members of a limited liability company  
24 owning more than five percent of such a corporation or company applying for an  
25 alcoholic beverage permit pursuant to this Chapter to be fingerprinted. Such  
26 fingerprints shall be available for use by the office of state police and for transmittal  
27 to the F.B.I. for a national criminal history record check. The information obtained  
28 from the national criminal history record check conducted pursuant to this Section  
29 may be used by the office of alcohol and tobacco control to determine the applicant's

1 eligibility for an alcoholic beverage permit.

2 (6) In order to determine the suitability of the spouses of those persons  
3 required to submit fingerprints in accordance with this Section, and all other persons  
4 required to possess the same qualifications required of the applicant, except for those  
5 persons otherwise provided for in this Section, the office of alcohol and tobacco  
6 control shall require such persons to provide verification of suitability in accordance  
7 with rules adopted by the commissioner pursuant to the Administrative Procedure  
8 Act. Fingerprints shall not be required unless the commissioner requests fingerprints  
9 based upon credible information that a person may not meet the qualifications of an  
10 applicant.

11 **J. All licensees and persons required to be qualified under this Chapter**  
12 **shall have a continuing duty to inform the commissioner of any action which**  
13 **they believe would constitute a violation of this Chapter. No person who so**  
14 **informs the commissioner shall be discriminated against by an applicant or**  
15 **licensee because of supplying such information.**

16 **K. All licensees and any other persons who have been found suitable in**  
17 **accordance with the provisions of this Section shall maintain suitability**  
18 **throughout the term of the license.**

19 \* \* \*

20 §280. Qualifications of applicants for permits

21 A. Applicants for state and local permits of all kinds shall meet the following  
22 qualifications and conditions:

23 (1) Be a person of good character and reputation and over eighteen years of  
24 age.

25 **(2) Be a person whose prior activities, criminal record, if any, reputation,**  
26 **habits and associations do not pose a threat to the public interest of this state or**  
27 **to the effective regulation and control of alcoholic beverages, or create or**  
28 **enhance the dangers of unsuitable, unfair, or illegal practices, methods, and**  
29 **operations in the activities authorized by this Chapter and financial**

1            **arrangements incidental thereto.**

2            ~~(2)~~**(3)** Be a citizen of the United States and of the state of Louisiana and a  
3            resident of the state of Louisiana continuously for a period of not less than two years  
4            next preceding the date of the filing of the application. However, the requirements  
5            as to Louisiana citizenship do not apply to wholesale or retail dealers who have  
6            continuously held permits since July 26, 1944.

7            ~~(3)~~**(4)** Be the owner of the premises, have a bona fide written lease therefor,  
8            or be a commercial lessor or a non-commercial lessor licensed pursuant to R.S. 4:701  
9            et seq., exclusively for and for the sole purpose of conducting charitable gaming. In  
10           cases where the applicant holds a bona fide written lease, the name and current street  
11           address of the lessor shall be shown on the application form filed with the  
12           commissioner.

13           ~~(4)~~**(5)** Have not been convicted of a felony under the laws of the United  
14           States, the state of Louisiana, or any other state or country.

15           ~~(5)~~**(6)** Have not been convicted in this or in any other state or by the United  
16           States of soliciting for prostitution, pandering, letting premises for prostitution,  
17           contributing to the delinquency of juveniles, keeping a disorderly place, letting a  
18           disorderly place, or illegally dealing in controlled dangerous substances, **theft or any**  
19           **crime involving false statements or declarations, or gambling as defined by the**  
20           **laws and ordinances of any municipality, any parish, any state, or the United**  
21           **States.**

22           ~~(6)~~**(7)** Have not had a license or permit to sell or deal in alcoholic beverages,  
23           issued by the United States, any state, or by any political subdivision of a state  
24           authorized to issue permits or licenses, revoked within two years prior to the  
25           application, or been convicted, or had a judgment of court rendered against the  
26           applicant involving alcoholic beverages by this or any other state or by the United  
27           States for two years prior to the application.

28           ~~(7)~~**(8)** Have not been convicted of violating any of the provisions of this  
29           Chapter.



1 national criminal history record check.

2 (2) In order to determine the suitability of an applicant, the office of alcohol  
3 and tobacco control shall require the members of a partnership recognized by  
4 Louisiana law, officers and directors of a corporation, the stockholders of a  
5 corporation, and members of a limited liability company owning more than five  
6 percent of such corporations and companies, to furnish to the office of alcohol and  
7 tobacco control a full set of fingerprints to enable a criminal background  
8 investigation to be conducted. The office of alcohol and tobacco control shall submit  
9 the completed fingerprint card to the office of state police. The office of state police  
10 is authorized to submit the fingerprints to the F.B.I. for a national criminal history  
11 background check.

12 (3) The office of alcohol and tobacco control shall require a background  
13 investigation by means of fingerprint checks by the office of state police and the  
14 F.B.I. of each applicant, members of a partnership recognized by Louisiana law,  
15 officers and directors of a corporation, the stockholders of a corporation, and the  
16 members of a limited liability company owning more than five percent of such  
17 corporations or companies applying for an alcoholic beverage permit.

18 (4) In addition to the other requirements established by law, the submittal of  
19 fingerprints shall be a prerequisite to the issuance of a permanent alcoholic beverage  
20 permit by means of fingerprint checks by the office of state police and the F.B.I.

21 (5) The office of state police shall require each applicant, members of a  
22 partnership recognized by Louisiana law, officers and directors of a corporation, the  
23 stockholders of a corporation, and members of a limited liability company owning  
24 more than five percent of such corporations and companies applying for an alcoholic  
25 beverage permit pursuant to this Chapter to be fingerprinted. Such fingerprints shall  
26 be available for use by the office of state police and for transmittal to the F.B.I. for  
27 a national criminal history record check. The information obtained from the national  
28 criminal history record check conducted pursuant to this Section may be used by the  
29 office of alcohol and tobacco control to determine the applicant's eligibility for an

1 alcoholic beverage permit.

2 (6) In order to determine the suitability of the spouses of those persons  
3 required to submit fingerprints in accordance with this Section, and all other persons  
4 required to possess the same qualifications required of the applicant, except for those  
5 persons already provided for by this Section, the office of alcohol and tobacco  
6 control shall require such persons to provide verification of suitability in accordance  
7 with rules adopted by the commissioner pursuant to the Administrative Procedure  
8 Act. Fingerprints shall not be required unless the commissioner requests fingerprints  
9 based upon credible information that a person may not meet the qualifications of an  
10 applicant.

11 **J. All licensees and persons required to be qualified under this Chapter**  
12 **shall have a continuing duty to inform the commissioner of any action which**  
13 **they believe would constitute a violation of this Chapter. No person who so**  
14 **informs the commissioner shall be discriminated against by an applicant or**  
15 **licensee because of supplying such information.**

16 **K. All licensees and any other persons who have been found suitable in**  
17 **accordance with the provisions of this Section shall maintain suitability**  
18 **throughout the term of the license.**

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Cathy R. Wells.

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#### DIGEST

Present law provides for the qualifications an applicant is required to possess in order to receive an alcoholic beverage permit or a dealer of malt/low alcoholic content permit.

Proposed law retains present law and requires an applicant to be a person:

- (1) Whose prior activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the public interest of this state or to the effective regulation and control of alcoholic beverages, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and operations in the activities authorized by law and any financial arrangements incidental thereto.
- (2) Who has not been convicted in this or in any other state or by the United States or any other country of theft or any crime involving false statements or declarations, or gambling as defined by the laws and ordinances of any municipality, any parish, any state, or the United States.

- (3) Who has a spouse that has not been convicted of either of the above referenced offenses.

Proposed law authorizes the commissioner of ATC to consider any arrest, summons, charge, or indictment of an applicant, or the dismissal there of in determining suitability even if the arrest, summons, charge or indictment results in acquittal, deferred adjudication, probation, parole, or pardon.

Proposed law requires all licensees and persons required to be qualified by ATC have a continuing duty to inform the commissioner of any action which they believe would constitute a violation of alcohol beverage laws and further prohibits discrimination against a person by an applicant or licensee because of supplying such information.

Proposed law requires all licensees and any other persons who have been found suitable to maintain suitability throughout the term of the license.

Effective August 1, 2012.

(Amends R.S. 26:80(A), (F)(2), (H) and 280(A), (F)(2), and (H); adds R.S. 26:80(I), (J), (K) and 280(I), (J), and (K))