

## SENATE SUMMARY OF HOUSE AMENDMENTS

**SB 262 By Senator Morrell****KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

FEES/LICENSES/PERMITS. Provides relative to qualifications of applicants for alcoholic beverage permits. (8/1/12)

**SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL**

1. Added that certain exceptions allowing permit to be granted did not apply to an applicant who is also applying for a video draw poker device gaming license.
2. Bureau and technical amendments.
3. Added a provision that authorizes the commissioner to consider a person's arrests in determining suitability for low and high alcoholic beverages.
4. Removed the provision that authorized the commissioner when determining suitability for low and high alcoholic beverages, to consider evidence of an arrest, summons, charge or indictment of an applicant when the applicant is also applying for a video gaming license.

**DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE**

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 adds a provision that allows the commissioner to consider a person's arrests in determining suitability and a person's good character or reputation.

Present law provides that a permit may be granted by the commissioner if the applicant has been pardoned, has had any misdemeanor conviction discharged or dismissed, or the applicant's civil rights have been restored, or, if the applicant is a firm, association, partnership, trust, domestic or foreign corporation, or other legal entity, the applicant has terminated its relationship with the person or persons whose action directly contributed to the applicant's conviction. Also provides that, in the granting of a permit, a conviction or plea of guilty or nolo contendere by the applicant shall not constitute an automatic disqualification of the applicant, if (a) the felony for which the applicant was convicted is not a crime of violence as defined in R.S. 14:2(B); and (b) 10 years or more have elapsed between the date of application and the successful completion of any sentence, deferred adjudication, or period of probation or parole and the final discharge of the defendant.

Proposed law retains present law but adds that it shall not apply to any applicant who is also applying for a video draw poker device gaming license.

Proposed law requires that an applicant who is also applying for a video gaming license be a person:

- (1) 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.
- (2) Who has a spouse that has not been convicted of the above referenced offenses.

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 Aug. 1, 2012.

(Amends R.S. 26:80(A)(1) and (6)-(10), (F)(1) and (2)(intro. para.), (H)(1) and 280(A)(1) and (6)-(10), (F)(1) and (2)(intro. para.), and (H)(1); Adds R.S. 26:80(A)(11), (I) and (J) and 280(A)(11), (I) and (J))

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