

Regular Session, 2011

SENATE BILL NO. 115

BY SENATOR WALSWORTH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ALCOHOLIC BEVERAGES. Requires spouses of liquor license applicants to provide their fingerprints with the applicant's application. (gov sig)

AN ACT

To amend and reenact R.S. 26:80(H) and 280(H), relative to alcohol permits; to require spouses of persons submitting alcohol permit applications to submit their fingerprints in their spouses application; to require partners, stockholders and members of limited liability companies and their spouses to submit their fingerprints with the alcohol permit applicant's application; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:80(H) and 280(H) are hereby amended and reenacted to read as follows:

§80. Qualifications of applicants for permits

* * *

H.(1) ~~In order to determine the applicant's suitability for a permit, the applicant~~ **In order to determine their suitability, the applicant, the applicant's spouse, members of a partnership recognized by Louisiana law and their spouses, the officers and directors of a corporation and their spouses, the stockholders of a corporation and members of a limited liability company owning more than five percent of such a corporation or company and their**

1 spouses and all other persons required to possess the same qualifications
2 required of the applicant shall be fingerprinted. If no disqualifying record is
3 identified at the state level, the fingerprints shall be forwarded by the Department of
4 Public Safety and Corrections, Public Safety Services, office of state police, to the
5 Federal Bureau of Investigation (F.B.I.) for a national criminal history record check.

6 (2) ~~In order to determine the applicant's suitability for an alcoholic beverage~~
7 ~~permit,~~ In order to determine the suitability of an applicant, the office of alcohol
8 and tobacco control shall require the applicant's spouse, members of a
9 partnership recognized by Louisiana law and their spouses, the officers and
10 directors of a corporation and their spouses, the stockholders of a corporation
11 and members of a limited liability company owning more than five percent of
12 such a corporation or company and their spouses and all other persons required
13 to possess the same qualifications required of the applicant, ~~the office of alcohol~~
14 ~~and tobacco control shall require the applicant~~ to furnish to the office of alcohol and
15 tobacco control a full set of fingerprints to enable a criminal background
16 investigation to be conducted. The office of alcohol and tobacco control shall submit
17 the completed fingerprint card to the office of state police. The office of state police
18 is authorized to submit the fingerprints to the F.B.I. for a national criminal history
19 background check.

20 (3) The office of alcohol and tobacco control shall require a background
21 investigation of each applicant, the applicant's spouse, members of a partnership
22 recognized by Louisiana law and their spouses, the officers and directors of a
23 corporation and their spouses, the stockholders of a corporation and members
24 of a limited liability company owning more than five percent of such a
25 corporation or company and their spouses and all other persons required to
26 possess the same qualifications of the applicant for an alcoholic beverage permit
27 by means of fingerprint checks by the office of state police and the F.B.I.

28 (4) In addition to the other requirements established by law, the submittal of
29 fingerprints shall be a prerequisite to the issuance of ~~an~~ a permanent alcoholic

1 beverage permit by means of fingerprint checks by the office of state police and the
2 F.B.I.

3 (5) The office of state police shall require each **applicant, the applicant's**
4 **spouse, members of a partnership recognized by Louisiana law and their**
5 **spouses, officers and directors of a corporation and their spouses, the**
6 **stockholders of a corporation and the members of a limited liability company**
7 **owning more than five percent of such a corporation or company and their**
8 **spouses and all other persons required to possess the same qualifications**
9 **required of the applicant** person applying for an alcoholic beverage permit
10 pursuant to this Chapter to be fingerprinted. Such fingerprints shall be available for
11 use by the office of state police and for transmittal to the F.B.I. for a national
12 criminal history record check. The information obtained from the national criminal
13 history record check conducted pursuant to this Section may be used by the office
14 of alcohol and tobacco control to determine the applicant's eligibility for an alcoholic
15 beverage permit.

16 * * *

17 §280. Qualifications of applicants for permits

18 * * *

19 H.(1) ~~In order to determine the applicant's suitability for a permit, the~~
20 ~~applicant shall be fingerprinted.~~ **In order to determine their suitability, the**
21 **applicant, the applicant's spouse, members of a partnership recognized by**
22 **Louisiana law and their spouses, officers and directors of a corporation and**
23 **their spouses, the stockholders of a corporation and members of a limited**
24 **liability company owning more than five percent of such corporations and**
25 **companies and their spouses and all other persons required to possess the same**
26 **qualifications required of the applicant shall be fingerprinted.** If no
27 disqualifying record is identified at the state level, the fingerprints shall be forwarded
28 by the Department of Public Safety and Corrections, Public Safety Services, office
29 of state police, to the Federal Bureau of Investigation (F.B.I.) for a national criminal

1 history record check.

2 (2) ~~In order to determine the applicant's suitability for an alcoholic beverage~~
3 ~~permit,~~ **In order to determine the suitability of an applicant, the office of alcohol**
4 **and tobacco control shall require the applicant's spouse, members of a**
5 **partnership recognized by Louisiana law and their spouses, officers and**
6 **directors of a corporation and their spouses, the stockholders of a corporation**
7 **and members of a limited liability company owning more than five percent of**
8 **such corporations and companies and their spouses and all other persons**
9 **required to possess the same qualifications required of the applicant,** ~~the office~~
10 ~~of alcohol and tobacco control shall require the applicant to furnish to the office of~~
11 ~~alcohol and tobacco control a full set of fingerprints to enable a criminal background~~
12 ~~investigation to be conducted. The office of alcohol and tobacco control shall submit~~
13 ~~the completed fingerprint card to the office of state police. The office of state police~~
14 ~~is authorized to submit the fingerprints to the F.B.I. for a national criminal history~~
15 ~~background check.~~

16 (3) The office of alcohol and tobacco control shall require a background
17 investigation of each applicant, **the applicant's spouse, members of a partnership**
18 **recognized by Louisiana law and their spouses, officers and directors of a**
19 **corporation and their spouses, the stockholders of a corporation and the**
20 **members of a limited liability company owning more than five percent of such**
21 **corporations or companies and their spouses and all other persons required to**
22 **possess the same qualifications required of the applicant** for an alcoholic
23 beverage permit by means of fingerprint checks by the office of state police and the
24 F.B.I.

25 (4) In addition to the other requirements established by law, the submittal of
26 fingerprints shall be a prerequisite to the issuance of ~~an~~ **a permanent** alcoholic
27 beverage permit by means of fingerprint checks by the office of state police and the
28 F.B.I.

29 (5) The office of state police shall require each **applicant, the applicant's**

1 spouse, members of a partnership recognized by Louisiana law and their
2 spouses, officers and directors of a corporation and their spouses, the
3 stockholders of a corporation and members of a limited liability company
4 owning more than five percent of such corporations and companies and their
5 spouses and all other persons required to possess the same qualifications
6 required of the applicant ~~person~~ applying for an alcoholic beverage permit
7 pursuant to this Chapter to be fingerprinted. Such fingerprints shall be available for
8 use by the office of state police and for transmittal to the F.B.I. for a national
9 criminal history record check. The information obtained from the national criminal
10 history record check conducted pursuant to this Section may be used by the office
11 of alcohol and tobacco control to determine the applicant's eligibility for an alcoholic
12 beverage permit.

13 Section 2. This Act shall become effective upon signature by the governor or, if not
14 signed by the governor, upon expiration of the time for bills to become law without signature
15 by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If
16 vetoed by the governor and subsequently approved by the legislature, this Act shall become
17 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Heyward Jeffers.

DIGEST

Present law requires that all applicants for a liquor license submit their fingerprints when they submit their application.

Present law regarding high and low alcohol beverage permits, provides several qualification for applicants. Also requires that the spouse of an applicant meet the same qualifications.

Proposed law additionally requires that the spouses of all applicants for a liquor license, members of a partnership recognized by Louisiana law and their spouses, the officers and directors of a corporation and their spouses, the stockholders of a corporation and members of a limited liability company owning more than five percent of such a corporation or company and their spouses and all other persons required to possess the same qualifications required of the applicant to submit their fingerprints when the application for the permit is submitted.

Proposed law also requires that the spouses of all applicants, members of a partnership recognized by Louisiana law and their spouses, the officers and directors of a corporation and their spouses, the stockholders of a corporation and members of a limited liability company owning more than five percent of such a corporation or company and their spouses

and all other persons required to possess the same qualifications required of the applicant to allow use of the fingerprints by the office of state police and the F.B.I. for a national criminal history record check.

Proposed law requires that the spouse of all applicants, members of a partnership recognized by Louisiana law and their spouses, the officers and directors of a corporation and their spouses, the stockholders of a corporation and members of a limited liability company owning more than five percent of such a corporation or company and their spouses and all other persons required to possess the same qualifications required of the applicant to undergo a national criminal background investigation.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 26:80(H) and 280(H))