

2020 Regular Session

SENATE BILL NO. 48

BY SENATOR CARTER

ALCOHOLIC BEVERAGES. Provides for an exception for certain applicants for employee permits seeking to work in locations permitted by ATC as a restaurant. (8/1/20)

1 AN ACT

2 To enact R.S. 26:80(F)(3) and 280(F)(3), relative to alcohol and tobacco control; to provide

3 relative to qualifications of applicants for permits; to provide certain exceptions; and

4 to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 26:80(F)(3) and 280(F)(3) are hereby enacted to read as follows:

7 §80. Qualifications of applicants for permits

8 * * *

9 F.

10 * * *

11 **(3)(a) Notwithstanding any other provision of this Section, if the felony**

12 **for which the applicant was convicted was not a crime of violence as defined in**

13 **R.S. 14:2(B) nor the crime of distributing or possessing with intent to distribute**

14 **any controlled dangerous substance classified in Schedule I of R.S. 40:964 nor**

15 **a sex offense as defined in R.S. 15:541, the applicant may be eligible to be an**

16 **employee of a location permitted as a restaurant. To be eligible, the applicant**

17 **shall not have a subsequent conviction for a crime of violence or a crime of**

1 distributing or possessing with intent to distribute or possessing any controlled
 2 dangerous substance classified in Schedule I of R.S. 40:964 or a sex offense
 3 within ten years of the date of the earlier conviction and the applicant shall
 4 submit a letter to the commissioner of alcohol and tobacco control requesting
 5 approval for employment at the location along with proof of compliance with
 6 this Paragraph.

7 (b) The location permitted as a restaurant may not employ the applicant
 8 unless and until the commissioner approves the applicant's request.

9 * * *

10 §280. Qualifications of applicants for permits

11 * * *

12 F.

13 * * *

14 (3)(a) Notwithstanding any other provision of this Section, if the felony
 15 for which the applicant was convicted was not a crime of violence as defined in
 16 R.S. 14:2 (B) nor the crime of distributing or possessing with intent to distribute
 17 any controlled dangerous substance classified in Schedule I of R.S. 40:964 nor
 18 a sex offense as defined in R.S. 15:541, the applicant may be eligible to be an
 19 employee of a location permitted as a restaurant. To be eligible, the applicant
 20 shall not have a subsequent conviction for a crime of violence or a crime of
 21 distributing or possessing with intent to distribute or possessing any controlled
 22 dangerous substance classified in Schedule I of R.S. 40:964 or a sex offense
 23 within ten years of the date of the earlier conviction and the applicant shall
 24 submit a letter to the commissioner of alcohol and tobacco control requesting
 25 approval for employment at the location along with proof of compliance with
 26 this Paragraph.

27 (b) The location permitted as a restaurant may not employ the applicant
 28 unless and until the commissioner approves the person's request.

29 * * *

granting of a permit or of a renewal shall be within the discretion of the commissioner.

- (11) Not be the spouse of a person who does not meet the requirements of (1) and (3) through (10) above, and (12) below; provides that the age of the ineligible spouse shall be immaterial. Provides that for purposes of this standard, the term "spouse" shall also include persons who are considered married outside of the United States, persons who ordinarily hold themselves out as husband and wife, or persons who file their state and federal income tax returns as either "married filing jointly" or "married filing separate".
- (12) Not owe the state or the local governmental subdivisions in which the application is made any delinquent sales taxes, penalties, or interest, excluding items under formal appeal.

Present law provides certain exceptions in the instances of a pardon, restoration of civil rights, etc. Also provides, as a further exception, 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 as otherwise required pursuant to (5), (6), and (7) above, if all of the following criteria are met:

- (1) The felony for which the applicant was convicted is not a crime of violence.
- (2) Ten 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 provides a further exception. Provides that notwithstanding any other provision of present law, if the felony for which the applicant was convicted was not a crime of violence nor the crime of distributing or possessing with intent to distribute any controlled dangerous substance nor a sex offense, the applicant may be eligible to be an employee of a restaurant. Provides that to be eligible, the applicant shall not have a subsequent conviction for a crime of violence or a crime of distributing or possessing with intent to distribute or possessing any controlled dangerous substance or a sex offense within ten years of the date of the earlier conviction. Requires the applicant to submit a letter to the commissioner of ATC requesting approval for employment at the restaurant along with proof of compliance with proposed law. Prohibits the restaurant from employing the applicant until the commissioner approves the applicant's request.

Effective August 1, 2020.

(Adds R.S. 26:80(F)(3) and 280(F)(3))