

2020 Regular Session

SENATE BILL NO. 428

BY SENATOR TALBOT

ALCOHOLIC BEVERAGES. Provides for an exception for certain applicants for employee permits seeking to work in locations permitted by the office of alcohol and tobacco control 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 R.S. 40:964 or any legend drug,**
15 **nor a sex offense as defined in R.S. 15:541, the applicant may be eligible to be**
16 **a manager or owner of a location permitted as a restaurant. To be eligible, the**
17 **applicant shall not have any subsequent felony conviction other than those listed**

1 above, and three years or more for an owner or two years or more for a
 2 manager, have elapsed between the date of application and the successful
 3 completion of any sentence, deferred adjudication, or period of probation or
 4 parole and the final discharge of the defendant. Additionally, the applicant shall
 5 submit a letter to the commissioner of alcohol and tobacco control requesting
 6 approval for employment at the location along with proof of compliance with
 7 this Paragraph.

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

10 * * *

11 §280. Qualifications of applicants for permits

12 * * *

13 F.

14 * * *

15 (3)(a) Notwithstanding any other provision of this Section, if the felony
 16 for which the applicant was convicted was not a crime of violence as defined in
 17 R.S. 14:2(B) nor the crime of distributing or possessing with intent to distribute
 18 any controlled dangerous substance classified in R.S. 40:964 or any legend drug,
 19 nor a sex offense as defined in R.S. 15:541, the applicant may be eligible to be
 20 a manager or owner of a location permitted as a restaurant. To be eligible, the
 21 applicant shall not have any subsequent felony conviction other than those listed
 22 above, and three years or more for an owner or two years or more for a
 23 manager, have elapsed between the date of application and the successful
 24 completion of any sentence, deferred adjudication, or period of probation or
 25 parole and the final discharge of the defendant. Additionally, the applicant shall
 26 submit a letter to the commissioner of alcohol and tobacco control requesting
 27 approval for employment at the location along with proof of compliance with
 28 this Paragraph.

29 (b) The location permitted as a restaurant may not employ the applicant

- (10) Have not been convicted of violating any municipal or parish ordinances adopted pursuant to the provisions of this Chapter. If the applicant has been so convicted, the 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 U.S., 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 manager or owner of a restaurant. Provides that to be eligible, the applicant shall not have any subsequent felony conviction, and three years or more for an owner or two years or more for a manager, 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 requires the applicant to submit a letter to the commissioner of ATC requesting approval for employment at the location 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))