

BILL ANALYSIS

Senate Research Center
79R11030 AJA-D

H.B. 2451
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Business & Commerce
5/16/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law, if a permittee or licensee holds a wine or beer retailer's permit or a beer retailer's license, and that permittee or licensee sells beer or wine after the legal hours of sale, or allows consumption, there is a specific charge for that violation in the Alcoholic Beverage Code and it is an administrative violation as well as criminal violation. However, if a permittee holds a mixed beverage permit or a private club permit and sells or serves after hours, or allows consumption after hours, there is no specific charge, making criminal prosecution more difficult.

H.B. 2451 permits a specific criminal charge for mixed beverage permit holders or private club permit holders which serve, sell, or allow the consumption of distilled spirits, beer, or wine after hours.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11.61(b), Alcoholic Beverage Code, by adding Subdivisions (22) and (23), as follows:

(22) Prohibits the Texas Alcoholic Beverage Commission (commission) or Texas Alcoholic Beverage Commission administrator (administrator) from suspending for more than 60 days or canceling an original or renewal permit if it is found, after notice and hearing, that the permittee consumed an alcoholic beverage or permitted one to be consumed on the licensed premises at a time when the consumption of alcoholic beverages is prohibited by this code.

(23) Prohibits the commission or administrator from suspending for more than 60 days or canceling an original or renewal permit if it is found, after notice and hearing, that the permittee sold, served, or delivered an alcoholic beverage at a time when its sale is prohibited.

SECTION 2. Amends Section 105.06(e), Alcoholic Beverage Code, to provide that an offense under this section is a Class C misdemeanor, rather than is punishable by a fine of not more than \$50.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2005.