

BILL ANALYSIS

Senate Research Center
86R5340 MCK-F

H.B. 2792
By: Goldman (Watson)
Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Alcoholic Beverage Code contains a criminal offense for making a false statement or false representation in a permit or license application, report, or other instrument filed with the Texas Alcoholic Beverage Commission (TABC). Stakeholders have expressed concern that, as written, this statute does not contain an explicit mental state requirement. Therefore, it could be interpreted to turn true accidents or mistakes into a criminal offense.

H.B. 2792 addresses this issue by clarifying that a person must "knowingly" make a false statement or false representation to TABC in order to commit the existing criminal offense.

H.B. 2792 amends current law relating to making a false statement or false representation in certain documents filed with the Texas Alcoholic Beverage Commission.

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 101.69, Alcoholic Beverage Code, as follows:

Sec. 101.69. FALSE STATEMENT. Provides that, except as provided in Section 103.05(d) (relating to the offense by a peace officer of making certain false reports), a person who knowingly makes, rather than makes, a false statement or false representation in an application for a permit or license or in a statement, report, or other instrument to be filed with the Texas Alcoholic Beverage Commission and required to be sworn commits an offense punishable by imprisonment in the Texas Department of Criminal Justice for not less than 2 nor more than 10 years.

SECTION 2. Makes application of this Act prospective. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. Effective date: September 1, 2019.