

SENATE, No. 876

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Senator RAYMOND J. LESNIAK

District 20 (Union)

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Hunterdon and Mercer)

Assemblyman CHARLES MAINOR

District 31 (Hudson)

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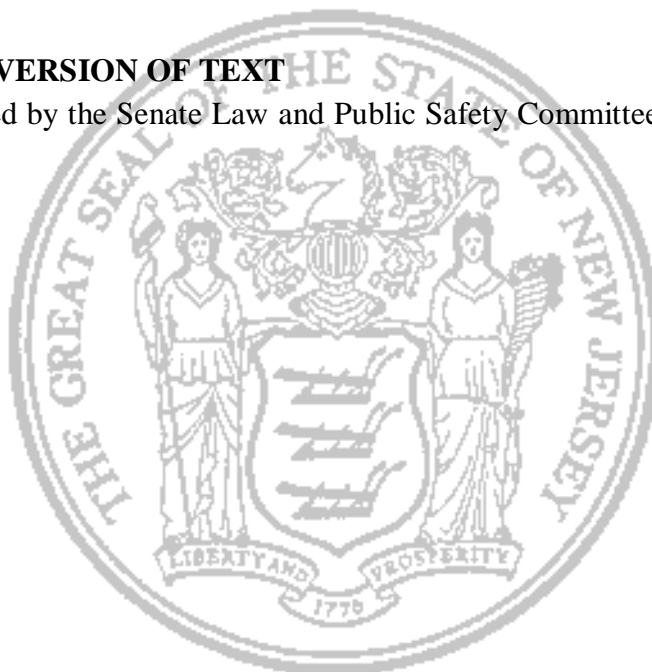
Senator Norcross

SYNOPSIS

Permits liquor licensees to employ certain ex-offenders in certain positions without a special permit.

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee with technical review.



(Sponsorship Updated As Of: 6/22/2012)

1 **AN ACT** concerning employment of certain persons by alcoholic
2 beverage licensees and amending R.S.33:1-26.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. R.S.33:1-26 is amended to read as follows:

8 33:1-26. All licenses shall be for a term of one year from July 1
9 in each year. The respective fees for any such license shall be
10 prorated according to the effective date of the license and based on
11 the respective annual fee as in this chapter provided. Where the
12 license fee deposited with the application exceeds the prorated fee,
13 a refund of the excess shall be made to the licensee. Licenses are
14 not transferable except as hereinafter provided. A separate license
15 is required for each specific place of business and the operation and
16 effect of every license is confined to the licensed premises. No
17 retail license of any class shall be issued to any holder of a
18 manufacturer's or wholesaler's license, and no manufacturer's or
19 wholesaler's license shall be issued to the holder of a retail license
20 of any class. Any person who shall exercise or attempt to exercise,
21 or hold himself out as authorized to exercise, the rights and
22 privileges of a licensee except the licensee and then only with
23 respect to the licensed premises, shall be guilty of a misdemeanor.

24 In case of death, bankruptcy, receivership or incompetency of the
25 licensee, or if for any other reason whatsoever the operation of the
26 business covered by the license shall devolve by operation of law
27 upon a person other than the licensee, the director or the issuing
28 authority may, in his or its discretion, extend the license for a
29 limited time, not exceeding its term, to the executor, administrator,
30 trustee, receiver or other person upon whom the same has devolved
31 by operation of law as aforesaid. Under no circumstances,
32 however, shall a license, or rights thereunder, be deemed property,
33 subject to inheritance, sale, pledge, lien, levy, attachment,
34 execution, seizure for debts, or any other transfer or disposition
35 whatsoever, except for payment of taxes, fees, interest and penalties
36 imposed by any State tax law for which a lien may attach pursuant
37 to R.S.54:49-1 or pursuant to the State Tax Uniform Procedure
38 Law, R.S.54:48-1 et seq., or any similar State lien of tax, except to
39 the extent expressly provided by this chapter.

40 On application made therefor setting forth the same matters and
41 things with reference to the premises to which a transfer of license
42 is sought as are required to be set forth in connection with an
43 original application for license, as to the premises, and after
44 publication of notice of intention to apply for transfer, in the same
45 manner as is required in case of an application for license as to the

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

 Matter underlined thus is new matter.

1 premises, the director or other issuing authority may transfer, upon
2 payment of a fee of 10% of the annual license fee for the license
3 sought to be transferred, any license issued by him or it respectively
4 to a different place of business than that specified therein, by
5 endorsing permission upon the license.

6 On application made therefor setting forth the same matters and
7 things with reference to the person to whom a transfer of license is
8 sought as are required to be set forth in connection with an original
9 application for license, which application for transfer shall be
10 signed and sworn to by the person to whom the transfer of license is
11 sought and shall bear the consent in writing of the licensee to the
12 transfer, and after publication of notice of intention by the person to
13 whom the transfer of license is sought, to apply for transfer in the
14 same manner as is required in the case of an original application for
15 license, the director or other issuing authority, as the case may be,
16 may transfer any license issued by him or it respectively to the
17 applicant for transfer by endorsing the license. The application and
18 the applicant shall comply with all requirements of this chapter
19 pertaining to an original application for license and shall be
20 accompanied, in lieu of the license fee required on the original
21 application, by a fee of 10% of the annual license fee for the license
22 sought to be transferred, which 10% shall be retained by the
23 director or other issuing authority, as the case may be, whether the
24 transfer be granted or not, and accounted for as other license fees.

25 If the other issuing authority shall refuse to grant a transfer the
26 applicant shall be notified forthwith of the refusal by a notice
27 served personally upon the applicant, or sent to him by registered
28 mail addressed to him at the address stated in the application, and
29 the applicant may, within 30 days after the date of service or
30 mailing of the notice, appeal to the director from the action of the
31 issuing authority. If the other issuing authority shall grant a
32 transfer, any taxpayer or other aggrieved person opposing the grant
33 of the transfer may, within 30 days after the grant of the transfer,
34 appeal to the director from the action of the issuing authority.

35 No person who would fail to qualify as a licensee under this
36 chapter shall be knowingly employed by or connected in any
37 business capacity whatsoever with a licensee. A person failing to
38 qualify as to age or by reason of conviction of a crime involving
39 moral turpitude may, with the approval of the director, and subject
40 to rules and regulations, be employed by any licensee, but the
41 employee if disqualified by age shall not, in any manner whatsoever
42 serve, sell or solicit the sale or participate in the manufacture,
43 rectification, blending, treating, fortification, mixing, processing or
44 bottling of any alcoholic beverage; and further provided, that no
45 permit shall be necessary for the employment in a bona fide hotel or
46 restaurant of any person failing to qualify as to age so long as the
47 person shall not in any manner whatsoever serve, sell or solicit the

1 sale of any alcoholic beverage, or participate in the mixing,
2 processing or preparation thereof. Except for a person convicted of
3 a sex offense as enumerated in subsection b. of N.J.S.2C:7-2 or a
4 person convicted of a crime involving moral turpitude committed
5 while employed on a licensed premises, a person who has been
6 convicted of a crime involving moral turpitude may be employed by
7 a Class C licensee without obtaining the approval of the director or
8 a rehabilitation employment permit provided the person's
9 responsibilities do not involve serving, selling or soliciting the sale
10 of any alcoholic beverage; participating in the mixing, processing or
11 preparation of alcoholic beverages; providing private security or
12 admission-monitoring services for the premises; or providing or
13 participating in any management or professional services.

14 Each person seeking to be employed or connected in any
15 business capacity whatsoever with a licensee shall submit to the
16 director the applicant's name, address, fingerprints and written
17 consent for a criminal history record background check to be
18 performed. The director is authorized to receive criminal history
19 record information from the State Bureau of Identification in the
20 Division of State Police and the Federal Bureau of Investigation
21 consistent with applicable State and federal laws, rules and
22 regulations. The applicant shall bear the cost for the criminal
23 history record background check, including all costs of
24 administering and processing the check. The Division of State
25 Police shall promptly notify the director in the event a current
26 holder of a license or prospective applicant, who was the subject of
27 a criminal history record background check pursuant to this section,
28 is arrested for a crime or offense in this State after the date the
29 background check was performed.

30 Any request for relief under this section shall be accompanied by
31 a nonreturnable filing fee of \$100.00 payable to the director.
32 (cf: P.L.2003, c.199, s.19)

33

34 2. This act shall take effect immediately.