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LAW/RWH

P.L.2012, CHAPTER 32, *approved August 7, 2012*

Senate, No. 876

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

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 original application for license, as to the premises, and after
2 publication of notice of intention to apply for transfer, in the same
3 manner as is required in case of an application for license as to the
4 premises, the director or other issuing authority may transfer, upon
5 payment of a fee of 10% of the annual license fee for the license
6 sought to be transferred, any license issued by him or it respectively
7 to a different place of business than that specified therein, by
8 endorsing permission upon the license.

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

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

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

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

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

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

36

37 2. This act shall take effect immediately.

38

39

40

41

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

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)

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



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14 not transferable except as hereinafter provided. A separate license
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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.

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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,
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34 execution, seizure for debts, or any other transfer or disposition
35 whatsoever, except for payment of taxes, fees, interest and penalties
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5 endorsing permission upon the license.

6 On application made therefor setting forth the same matters and
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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
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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.

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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
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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.

35

36

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STATEMENT

38

39 This bill permits certain ex-offenders to be employed by
40 alcoholic beverage licensees without a special permit as long as the
41 position does not require the preparation or service of alcoholic
42 beverages, providing security or admission-monitoring services, or
43 providing management or professional services.

44 Under current law, a person convicted of any crime involving
45 moral turpitude is disqualified from being employed by an alcoholic
46 beverage licensee, unless the person has obtained a Rehabilitation
47 Employment Permit from the director. Even persons who have jobs

1 which do not require the handling of alcoholic beverages are subject
2 to the disqualification.

3 Under the provisions of the bill, a person who has been convicted
4 of a crime involving moral turpitude, except for sex offenders and
5 offenders who committed a crime involving moral turpitude on a
6 licensed premises, may be employed by an alcoholic beverage retail
7 licensee without obtaining a Rehabilitation Employment Permit.
8 An eligible ex-offender may obtain the permit provided the person's
9 responsibilities do not include 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 Under current regulations of the director, the applicant is
15 required to pay a fee of \$125 for the Rehabilitation Employment
16 Permit. It must be renewed on an annual basis until the
17 disqualification is removed. The person may not apply to have the
18 disqualification removed until five years after the conviction or
19 release from confinement, whichever is later.

20 Employees of an alcoholic beverage licensee include regularly
21 employed persons who do not serve alcoholic beverages including,
22 but not limited to, cooks, janitors, and dishwashers. Employees
23 also include persons hired under a contract, such as band members,
24 singers, disc jockeys, dancers, janitorial service personnel and
25 others who, on a regular basis, perform services required in the
26 operation of the business.

27 This prohibition eliminates a large number of employment
28 opportunities for which ex-offenders would be qualified. Moreover,
29 the cost of obtaining the necessary permit is burdensome to persons
30 who have recently been released from incarceration. It is the
31 sponsor's belief that this bill will create more employment
32 opportunities for ex-offenders and aid in their reentry into society.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 876

STATE OF NEW JERSEY

DATED: FEBRUARY 6, 2012

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 876.

This bill permits certain ex-offenders to be employed by alcoholic beverage licensees without a special permit as long as the position does not require the preparation or service of alcoholic beverages, providing security or admission-monitoring services, or providing management or professional services.

Under current law, a person convicted of any crime involving moral turpitude is disqualified from being employed by an alcoholic beverage licensee, unless the person has obtained a Rehabilitation Employment Permit from the Director of Alcoholic Beverage Control. Even persons who have jobs which do not require the handling of alcoholic beverages are subject to the disqualification.

Under the provisions of the bill, a person who has been convicted of a crime involving moral turpitude, except for sex offenders and offenders who committed a crime involving moral turpitude on a licensed premises, may be employed by an alcoholic beverage retail licensee without obtaining a Rehabilitation Employment Permit. An eligible ex-offender may obtain the permit provided the person's responsibilities do not include serving, selling or soliciting the sale of any alcoholic beverage; participating in the mixing, processing or preparation of alcoholic beverages; providing private security or admission-monitoring services for the premises; or providing or participating in any management or professional services.

Under current regulations of the director, the applicant is required to pay a fee of \$125 for the Rehabilitation Employment Permit, which must be renewed on an annual basis until the disqualification is removed. The person may not apply to have the disqualification removed until five years after the conviction or release from confinement, whichever is later.

Employees of an alcoholic beverage licensee include regularly employed persons who do not serve alcoholic beverages including, but not limited to, cooks, janitors, and dishwashers. Employees also include persons hired under a contract, such as band members, singers, disc jockeys, dancers, janitorial service personnel and others who, on a regular basis, perform services required in the operation of the business.

It is the committee's understanding that this prohibition eliminates a large number of employment opportunities for which ex-offenders would be qualified. Moreover, the cost of obtaining the necessary permit is burdensome to persons who have recently been released from incarceration. It is the sponsor's belief that this bill will create more employment opportunities for ex-offenders and aid in their reentry into society.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 876

STATE OF NEW JERSEY

DATED: JUNE 18, 2012

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 876.

Senate Bill No. 876 permits certain ex-offenders to be employed by alcoholic beverage licensees without a special permit as long as the position does not require the preparation or service of alcoholic beverages, providing security or admission-monitoring services, or providing management or professional services.

Under current law, a person convicted of any crime involving moral turpitude is disqualified from being employed by an alcoholic beverage licensee, unless the person has obtained a Rehabilitation Employment Permit from the Director of Alcoholic Beverage Control (ABC). Even those persons who have jobs which do not require the handling of alcoholic beverages currently are subject to the disqualification.

Under current regulations of the director, an applicant for a Rehabilitation Employment Permit is required to pay a fee of \$125. It must be renewed on an annual basis until the disqualification is removed. The person may not apply to have the disqualification removed until five years after the conviction or release from confinement, whichever is later.

Under the provisions of the bill, a person who has been convicted of a crime involving moral turpitude, except for sex offenders and offenders who committed a crime involving moral turpitude on a licensed premises, may be employed by an alcoholic beverage retail licensee without obtaining the director's approval or a Rehabilitation Employment Permit under certain circumstances. Specifically, their responsibilities may not include serving, selling or soliciting the sale of any alcoholic beverage; participating in the mixing, processing or preparation of alcoholic beverages; providing private security or admission-monitoring services for the premises; or providing or participating in any management or professional services.

Employees of an alcoholic beverage licensee include regularly employed persons who do not serve alcoholic beverages including, but not limited to, cooks, janitors, and dishwashers. Employees also include persons hired under a contract, such as band members, singers, disc jockeys, dancers, janitorial service personnel and others who, on a

regular basis, perform services required in the operation of the business.

This prohibition eliminates a large number of employment opportunities for which ex-offenders would be qualified. Moreover, the cost of obtaining the necessary permit is burdensome to persons who have recently been released from incarceration. It is the committee's understanding that this bill will create more employment opportunities for ex-offenders and aid in their reentry into society.

As reported by the committee, this bill is identical to Assembly Bill No. 2301, also reported by the committee on this same date.

ASSEMBLY, No. 2301

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 2, 2012

Sponsored by:

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Hunterdon and Mercer)

Assemblyman CHARLES MAINOR

District 31 (Hudson)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



A2301 WATSON COLEMAN, MAINOR

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32

33 2. This act shall take effect immediately.

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STATEMENT

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38 This bill permits certain ex-offenders to be employed by
39 alcoholic beverage licensees without a special permit as long as the
40 position does not require the preparation or service of alcoholic
41 beverages, providing security or admission-monitoring services, or
42 providing management or professional services.

43 Under current law, a person convicted of any crime involving
44 moral turpitude is disqualified from being employed by an alcoholic
45 beverage licensee, unless the person has obtained a Rehabilitation
46 Employment Permit from the director. Even persons who have jobs
47 which do not require the handling of alcoholic beverages are subject
48 to the disqualification.

1 Under the provisions of the bill, a person who has been convicted
2 of a crime involving moral turpitude, except for sex offenders and
3 offenders who committed a crime involving moral turpitude on a
4 licensed premises, may be employed by an alcoholic beverage retail
5 licensee without obtaining a Rehabilitation Employment Permit.
6 An eligible ex-offender may obtain the permit provided the person's
7 responsibilities do not include serving, selling or soliciting the sale
8 of any alcoholic beverage; participating in the mixing, processing or
9 preparation of alcoholic beverages; providing private security or
10 admission-monitoring services for the premises; or providing or
11 participating in any management or professional services.

12 Under current regulations of the director, the applicant is
13 required to pay a fee of \$125 for the Rehabilitation Employment
14 Permit. It must be renewed on an annual basis until the
15 disqualification is removed. The person may not apply to have the
16 disqualification removed until five years after the conviction or
17 release from confinement, whichever is later.

18 Employees of an alcoholic beverage licensee include regularly
19 employed persons who do not serve alcoholic beverages including,
20 but not limited to, cooks, janitors, and dishwashers. Employees
21 also include persons hired under a contract, such as band members,
22 singers, disc jockeys, dancers, janitorial service personnel and
23 others who, on a regular basis, perform services required in the
24 operation of the business.

25 This prohibition eliminates a large number of employment
26 opportunities for which ex-offenders would be qualified. Moreover,
27 the cost of obtaining the necessary permit is burdensome to persons
28 who have recently been released from incarceration. It is the
29 sponsor's belief that this bill will create more employment
30 opportunities for ex-offenders and aid in their reentry into society.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2301

STATE OF NEW JERSEY

DATED: JUNE 18, 2012

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 2301.

Assembly Bill No. 2301 permits certain ex-offenders to be employed by alcoholic beverage licensees without a special permit as long as the position does not require the preparation or service of alcoholic beverages, providing security or admission-monitoring services, or providing management or professional services.

Under current law, a person convicted of any crime involving moral turpitude is disqualified from being employed by an alcoholic beverage licensee, unless the person has obtained a Rehabilitation Employment Permit from the Director of Alcoholic Beverage Control (ABC). Even those persons who have jobs which do not require the handling of alcoholic beverages currently are subject to the disqualification.

Under current regulations of the director, an applicant for a Rehabilitation Employment Permit is required to pay a fee of \$125. It must be renewed on an annual basis until the disqualification is removed. The person may not apply to have the disqualification removed until five years after the conviction or release from confinement, whichever is later.

Under the provisions of the bill, a person who has been convicted of a crime involving moral turpitude, except for sex offenders and offenders who committed a crime involving moral turpitude on a licensed premises, may be employed by an alcoholic beverage retail licensee without obtaining the director's approval or a Rehabilitation Employment Permit under certain circumstances. Specifically, their responsibilities may not include serving, selling or soliciting the sale of any alcoholic beverage; participating in the mixing, processing or preparation of alcoholic beverages; providing private security or admission-monitoring services for the premises; or providing or participating in any management or professional services.

Employees of an alcoholic beverage licensee include regularly employed persons who do not serve alcoholic beverages including, but not limited to, cooks, janitors, and dishwashers. Employees also include persons hired under a contract, such as band members, singers, disc jockeys, dancers, janitorial service personnel and others who, on a

regular basis, perform services required in the operation of the business.

This prohibition eliminates a large number of employment opportunities for which ex-offenders would be qualified. Moreover, the cost of obtaining the necessary permit is burdensome to persons who have recently been released from incarceration. It is the committee's understanding that this bill will create more employment opportunities for ex-offenders and aid in their reentry into society.

As reported by the committee, this bill is identical to Senate Bill No. 876, also reported by the committee on this same date.