

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 448

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO THE RETAIL SALE OF LIQUOR BY THE DRINK; AMENDING SECTION 23-910, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PERSONS NOT QUALIFIED TO BE LICENSED TO SELL LIQUOR BY THE DRINK AT RETAIL AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 23-910, Idaho Code, be, and the same is hereby amended to read as follows:

23-910. PERSONS NOT QUALIFIED TO BE LICENSED. No license shall be issued to:

(1) Any person, or any one (1) of its members, officers, or governing board, who has, within three (3) years prior to the date of making application, been convicted of any violation of the laws of the United States, the state of Idaho, or any other state of the United States, or of the resolutions or ordinances of any county or city of this state, relating to the importation, transportation, manufacture or sale of alcoholic liquor or beer; or who has been convicted of, paid any fine, ~~been placed on probation,~~ received a deferred sentence, received a withheld judgment or completed any sentence of confinement or completed any sentence of probation or term of parole for any felony within five (5) years prior to the date of making application for any license.

(2) A person who is engaged in the operation, or interested therein, of any house or place for the purpose of prostitution or who has been convicted of any crime or misdemeanor opposed to decency and morality.

(3) A person whose license issued under this act has been revoked; an individual who was a member of a partnership or association which was a licensee under this act and whose license has been revoked; an individual who was an officer, member of the governing board or one (1) of the ten (10) principal stockholders of a corporation which was a licensee under this act and whose license has been revoked; a partnership or association one (1) of whose members was a licensee under this act and whose license was revoked; a corporation one (1) of whose officers, member of the governing board or ten (10) principal stockholders was a licensee under the provisions of this act and whose license has been revoked; an association or partnership, one (1) of whose members was a member of a partnership or association licensed under the provisions of this act and whose license has been revoked; a partnership or association, one (1) of whose members was an officer, a member of the governing board, or one (1) of the ten (10) principal stockholders of a corporation licensed under the provisions of this act and whose license has been revoked; a corporation, one (1) of whose officers, member of the governing board, or ten (10) principal stockholders was a member of a partnership or association licensed under the provisions of this act and whose license was revoked; a

1 corporation, one (1) of whose officers, member of the governing board, or ten
2 (10) principal stockholders was an officer, member of the governing board,
3 or one (1) of the ten (10) principal stockholders of a corporation licensed
4 under the provisions of this act and whose license was revoked.

5 (4) Any officer, agent, or employee of any distillery, winery, brewery,
6 or any wholesaler, or jobber, of liquor or malt beverages except as provided
7 in section 23-912, Idaho Code. This prohibition shall not apply to offi-
8 cers, agents, or employees of any winery operating a golf course on the same
9 premises as the winery.

10 (5) A person who does not hold a retail beer license issued under the
11 laws of the state of Idaho.

12 ~~(6)~~ Any license~~r~~ held by any licensee disqualified under the provisions
13 of this section from being issued a license~~r~~ shall forthwith be revoked by
14 the director.