

Introduced by Senator Oropeza

February 21, 2007

An act to amend Section 23987 of, and to add Section 25611.5 to, the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 450, as introduced, Oropeza. Alcoholic beverages: licensees: local government review: signs.

(1) Existing law requires the Department of Alcoholic Beverage Control to notify the appropriate sheriff, chief of police, district attorney, city or county planning agency, and legislative body of an application for the issuance or transfer of a liquor license, and prohibits the Department of Alcoholic Beverage Control from issuing or transferring a license until at least 30 days after these notices are provided. Existing law authorizes the department to extend that 30-day period for a period not to exceed an additional 20 days if a proper written request is made by any local law enforcement agency.

This bill would authorize the department to extend the 30-day period for a period not to exceed an additional 20 days if a proper written request is made by any entity or official receiving the required notification.

(2) The Alcoholic Beverage Control Act establishes certain general operating standards that are applicable, as provided, to the licensed premises of certain retailers of alcoholic beverages, including the posting of specified signs.

This bill would require a licensee to display a sign stating the contact information for local law enforcement and the department's district office, for purposes of reporting potential violations by the licensee, as provided.

(3) The Alcoholic Beverage Control Act provides that a violation of its provisions is a misdemeanor, unless otherwise specified. This bill, by creating a new crime, imposes a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 23987 of the Business and Professions
2 Code is amended to read:

3 23987. (a) Upon the receipt by the department of an original
4 application for any license or an application for transfer of any
5 license, written notice thereof, consisting of a copy of the
6 application, shall immediately be mailed by the department to the
7 sheriff, chief of police, and district attorney of the locality in which
8 the premises are situated, to the city or county planning director,
9 whoever has jurisdiction, the board of supervisors of the county
10 in which the premises are situated, if within an unincorporated
11 area, and to the city council or other governing body of the city in
12 which the premises are situated, if within an incorporated area.

13 ~~Except~~

14 (b) ~~Except~~ as specified in paragraph (2) of subdivision (e) of
15 Section 23800, no license shall be issued or transferred by the
16 department until at least 30 days after the mailing by the
17 department of the notices required by this section. The department
18 may extend the 30-day period specified in the preceding sentence
19 for a period not to exceed an additional 20 days, ~~upon the~~ if any
20 entity or official notified pursuant to subdivision (a) makes a
21 written request of any local law enforcement agency that states
22 proper grounds for extension. Proper grounds for extension are
23 limited to the requesting agency or official being in the process of
24 preparing either a protest or proposed conditions with respect to
25 the issuance or transfer of a license.

26 SEC. 2. Section 25611.5 is added to the Business and
27 Professions Code, to read:

1 25611.5. For purposes of reporting possible violations to the
2 department, a licensee shall display a prominent, permanent sign
3 stating the contact information for local law enforcement and the
4 department's district office. The sign shall be posted in a place
5 that is clearly visible from the exterior of the licensed premises.
6 The size, format, form, placement, and languages of the sign shall
7 be determined by the department.

8 SEC. 3. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section 17556 of
14 the Government Code, or changes the definition of a crime within
15 the meaning of Section 6 of Article XIII B of the California
16 Constitution.