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Samuel M. Williams, Acting Secretary  
Debbi Beavers, Director

Sam Brownback, Governor

## MEMORANDUM

**TO:** Rep. J. Russell Jennings, Chairman, House Committee Corrections and Juvenile Justice

**FROM:** Debbi Beavers, Director, Alcoholic Beverage Control Division

**DATE:** 20 February 2017

**SUBJECT:** Testimony on House Bill 2292

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Mr. Chairman and members of the committee. Thank you for the opportunity to testify on this bill. ABC is opposed to this bill as it is written.

Under current law, convicted felons can be employed in establishments licensed by the ABC but are prohibited from dispensing or serving alcoholic liquor. For example, they can be employed as a cook, dishwasher or door person. They cannot be a bartender or serve alcoholic liquor directly to customers.

Keeping the criminal element out of the liquor industry is a priority of the ABC. A person convicted of any type of felony cannot be an owner or officer of an entity owning a liquor license.

ABC was asked by the Department of Corrections to review their bill proposal and provide feedback. The ABC recommended retaining certain specified convictions and allowing persons convicted of certain non-person felonies be allowed to dispense and serve alcoholic liquor.

Allowing convicted felons, particularly of sex or violent crimes, to dispense and serve alcoholic liquor could present a public safety issue. To remedy this, the ABC respectfully requests that our recommendation submitted to the Department of Corrections be adopted.

I have attached a copy of the response ABC submitted to the Department of Corrections for your review.

Thank you Mr. Chairman for the opportunity to testify.

**ABC RESPONSE REGARDING  
DEPARTMENT OF CORRECTIONS LEGISLATIVE PROPOSAL  
DEC. 2016**

**41-2610. Unlawful acts of licensee; employment restrictions.** It shall be unlawful for any licensee or holder of a temporary permit under this act to:

- (a) Employ any person under the age of 18 years in connection with the serving of alcoholic liquor.
- (b) Employ knowingly or continue in employment any person in connection with the dispensing or serving of alcoholic liquor or the mixing of drinks containing alcoholic liquor who has been adjudged guilty of a felony or of any crime involving a morals charge in this or any other state, or of the United States.
- (c) Knowingly employ or continue to employ any person in connection with the dispensing or serving of alcoholic liquor, or the mixing of drinks containing alcoholic liquor, who has been adjudged guilty of two or more violations of K.S.A. 2014 Supp. 21-5607, and amendments thereto, furnishing alcoholic liquor to minors or a similar law of any other state, or of the United States, pertaining to furnishing alcoholic liquor to minors within the immediately preceding five years, or who has been adjudged guilty of three or more violations of any intoxicating liquor law of this or any other state, or of the United States, not involving the furnishing of alcoholic liquor to minors within the immediately preceding five years.
- (d) In the case of a club, fail to maintain at the licensed premises a current list of all members and their residence addresses or refuse to allow the director, any of the director's authorized agents or any law enforcement officer to inspect such list.
- (e) Purchase alcoholic liquor from any person except from a person authorized by law to sell such alcoholic liquor to such licensee or permit holder.
- (f) Permit any employee of the licensee or permit holder who is under the age of 21 years to work on premises where alcoholic liquor is sold by such licensee or permit holder at any time when not under the on-premises supervision of either the licensee or permit holder, or an employee who is 21 years of age or over.
- (g) Employ any person under 21 years of age in connection with the mixing or dispensing of drinks containing alcoholic liquor.

Recommended prohibited convictions to retain:

- Severity level 1, person felony
- Severity level 2, person felony
- Severity level 3, person felony
- Severity level 4, person felony
- Severity level 5, person felony
- Severity level 6, person felony
- Severity level 7, person felony
- Severity level 8, person felony
- Severity level 9, person felony
- Severity level 10, person felony
- Off-grid person felony
- Domestic Violence, person felony level
- 21-5513. Lewd and lascivious behavior, Class B non-person misdemeanor/Severity level 9, person felony
- Drug severity felony level 1
- Drug severity felony level 2
- Drug severity felony level 3
- Drug severity felony level 4
- 21-5708 Unlawfully obtaining or selling a prescription-only drug Severity level 6, non-person felony
- 21-5828 Criminal use of a financial card. Severity level 7 and 9, non-person felony
  
- 21-5904. Interference with law enforcement, Severity level 8 and 9, non-person felony
- 21-5914. Traffic in contraband in a correctional institution or care and treatment facility, Severity level 4-6, non-person felony
- 21-5918. Dealing in false identification documents; vital records identity fraud, Severity level 8, non-person felony
- 21-6107 Identity theft; identity fraud, Severity level 5 and 8
- 21-6108 Unlawful possession of scanning device or re-encoder. Severity level 6, non-person felony

- 21-6305 Aggravated weapons violation by a convicted felon. Severity level 8 and 9, non-person felony
- 21-6301 Criminal use of weapons. Severity level 8 and 9, non-person felony
- 21-6312 Criminal possession of explosives; criminal disposal of explosives; carrying concealed explosives, Severity level 7 and 10, person felony/ Class A, person misdemeanor
- 21-6401 Promoting obscenity; promoting obscenity to minors. Severity level 8 and 9 persons felony/ Class A non-person misdemeanor
- 21-6407 Dealing in gambling devices, Severity level 8, non-person felony
- 21-6408 Unlawful possession of a gambling device, Severity level B, non-person misdemeanor
- 21-6406 Commercial gambling. Severity level 8, non-person felony/Class B non-person misdemeanor
- 21-6414. Unlawful conduct of dog fighting; unlawful attendance of dog fighting; unlawful possession of dog fighting paraphernalia Severity level 10, non-person felony
- 21-6417 Unlawful conduct of cockfighting; unlawful attendance of cockfighting; unlawful possession of cockfighting paraphernalia. Severity level 10, non-person felony
- 21-6419 Selling sexual relations, Severity level, Class B misdemeanor
- 21-6501 Extortion. Severity level 7, non-person felony