

SECOND REGULAR SESSION

HOUSE BILL NO. 2123

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TOALSON REISCH.

5917H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 311.660, 313.220, and 313.260, RSMo, and to enact in lieu thereof three new sections relating to activities extended to persons found guilty of certain criminal offenses.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 311.660, 313.220, and 313.260, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 311.660, 313.220, and 313.260, to read as follows:

311.660. **1.** The supervisor of liquor control shall have the authority to suspend or revoke for cause all such licenses; and to make the following regulations, without limiting the generality of provisions empowering the supervisor of liquor control as in this chapter set forth as to the following matters, acts and things:

(1) Fix and determine the nature, form and capacity of all packages used for containing intoxicating liquor of any kind, to be kept or sold under this law;

(2) Prescribe an official seal and label and determine the manner in which such seal or label shall be attached to every package of intoxicating liquor so sold under this law; this includes prescribing different official seals or different labels for the different classes, varieties or brands of intoxicating liquor;

(3) Prescribe all forms, applications and licenses and such other forms as are necessary to carry out the provisions of this chapter, except that when a licensee substantially complies with all requirements for the renewal of a license by the date on which the application for renewal is due, such licensee shall be permitted at least an additional ten days from the date notice is sent that the application is deficient, in which to complete the application;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 16 (4) Prescribe the terms and conditions of the licenses issued and granted under this law;
17 (5) Prescribe the nature of the proof to be furnished and conditions to be observed in the
18 issuance of duplicate licenses, in lieu of those lost or destroyed;
19 (6) Establish rules and regulations for the conduct of the business carried on by each
20 specific licensee under the license, and such rules and regulations if not obeyed by every licensee
21 shall be grounds for the revocation or suspension of the license;
22 (7) The right to examine books, records and papers of each licensee and to hear and
23 determine complaints against any licensee;
24 (8) To issue subpoenas and all necessary processes and require the production of papers,
25 to administer oaths and to take testimony;
26 (9) Prescribe all forms of labels to be affixed to all packages containing intoxicating
27 liquor of any kind; ~~and~~
28 (10) To make such other rules and regulations as are necessary and feasible for carrying
29 out the provisions of this chapter, as are not inconsistent with this law.

30 **2. Notwithstanding subsection 1 of this section, the supervisor of liquor control**
31 **shall not prohibit persons from participating in the sale of intoxicating liquor solely on the**
32 **basis of being found guilty of any felony offense, except for prohibitions set forth in**
33 **sections 311.191 and 311.193.**

313.220. 1. The commission shall promulgate such rules and regulations governing the
2 establishment and operation of a state lottery as it deems necessary and desirable to fully
3 implement the mandate of the people expressed in the approval of the lottery amendment to
4 Article III of the Missouri Constitution. Such rules and regulations shall be designed so that a
5 lottery may be initiated at the earliest feasible and practicable time. No rule or portion of a rule
6 promulgated under the authority of this chapter shall become effective unless it has been
7 promulgated pursuant to the provisions of section 536.024.

8 2. The commission shall have the authority to require a fingerprint background check
9 on any person seeking employment or employed by the commission, any person seeking contract
10 with or contracted to the commission and any person seeking license from or licensed by the
11 commission. The background check shall include a check of the Missouri criminal records
12 repository and when the commission deems it necessary to perform a nationwide criminal history
13 check, a check of the Federal Bureau of Investigation's criminal records file. Fingerprints shall
14 be submitted to the Missouri criminal records repository as required. Notwithstanding the
15 provisions of section 610.120, the commission shall have access to closed criminal history
16 information when fingerprints are submitted. **The commission shall not prohibit a person**
17 **from participating in the sale of lottery tickets solely on the basis of the person being found**

18 **guilty of any criminal offense, except for termination of any lottery vendor under**
19 **subsection 5 of section 313.270.**

20 313.260. 1. No license shall be issued to any person to engage in business primarily as
21 a lottery game retailer.

22 2. No person shall be licensed as a lottery game retailer who:

23 (1) ~~[Has been convicted of a felony;~~

24 ~~——(2)]~~ Is or has been a professional gambler or gambling promoter;

25 ~~[(3)]~~ (2) Has been convicted of bookmaking or any other form of illegal gambling;

26 ~~[(4)]~~ (3) Has been convicted of a crime involving fraud or misrepresentation;

27 ~~[(5)]~~ (4) Has purchased a federal tax stamp for wagering or gambling activity;

28 ~~[(6)]~~ (5) Has been convicted of or pleaded nolo contendere to any illegal gambling
29 activity;

30 ~~[(7)]~~ (6) Has had his ticket retailer's license revoked by the commission;

31 ~~[(8)]~~ (7) Is a lottery contractor or lottery vendor;

32 ~~[(9)]~~ (8) Is an employee of the commission or any spouse, child, brother, sister, or parent
33 of an employee of the commission; ~~[or]~~

34 ~~[(10)]~~ (9) Is under the age of twenty-one; **or**

35 ~~[(11)]~~ (10) Is a firm, corporation or organization in which a person defined in
36 subdivision (1), (2), **or** (3) ~~[-or (4)]~~ of this subsection is to participate in the management or sales
37 of lottery tickets or shares.
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