

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.