

2007 SESSION

INTRODUCED

077013520

HOUSE BILL NO. 1995

Offered January 10, 2007

Prefiled January 8, 2007

A BILL to amend the Code of Virginia by adding in Chapter 2 of Title 48 a section numbered 48-17.1, relating to alcoholic beverage sale nuisances.

Patron—Suit

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 2 of Title 48 a section numbered 48-17.1 as follows:

§ 48-17.1. Alcoholic beverage sale nuisances.

Any locality by or through its mayor, executive, or attorney may file a complaint in a circuit court to enjoin the sale of alcohol at any establishment licensed by the Alcoholic Beverage Control Board. The basis for such complaint shall be that the continued sale of alcohol at the establishment presents a threat to public safety as a result of frequent and serious criminal acts occurring on or near the premises, as represented in an affidavit by the chief law-enforcement officer of the locality, supported by records of such criminal acts. The court shall, upon the presentation of evidence at a hearing on the matter, grant a temporary writ of injunction, without bond, enjoining the sale of alcohol at the establishment, if it appears to the satisfaction of the court that the threat to public safety complained of exists. The court hearing on the complaint shall be held within 10 days of service upon the respondent. The Alcoholic Beverage Control Board shall be given notice of hearing. The regional Alcoholic Beverage Control Board officer shall initiate an inquiry into the activities at the establishment complained of and conduct a hearing regardless of whether an injunction is granted. After the Alcoholic Beverage Control Board hearing and when a final determination has been made by the Alcoholic Beverage Control Board, regardless of disposition, any injunction issued hereunder shall be null, without further action by the complainant, respondent, or the court.

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