

CS FOR HOUSE BILL NO. 246(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 2/4/22

Referred: Finance

Sponsor(s): REPRESENTATIVES KREISS-TOMKINS, Drummond, Tarr, Schrage

A BILL

FOR AN ACT ENTITLED

1 **"An Act restricting the release of certain records of convictions; and providing for an**
2 **effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 LEGISLATIVE INTENT. It is the intent of the legislature to reduce barriers to
7 employment for people who have been convicted of low-level marijuana possession crimes
8 that would be legal on January 1, 2023. By protecting records of those low-level crimes from
9 certain types of criminal history background checks, it is the legislature's intent to increase the
10 likelihood that people convicted of those low-level crimes will become contributing members
11 of society.

12 * **Sec. 2.** AS 12.62.160(b) is amended to read:

13 (b) Subject to the requirements of this section, and except as otherwise limited
14 or prohibited by other provision of law or court rule, criminal justice information

1 (1) may be provided to a person when, and only to the extent,
2 necessary to avoid imminent danger to life or extensive damage to property;

3 (2) may be provided to a person to the extent required by applicable
4 court rules or under an order of a court of this state, another state, or the United States;

5 (3) may be provided to a person if the information is commonly or
6 traditionally provided by criminal justice agencies in order to identify, locate, or
7 apprehend fugitives or wanted persons or to recover stolen property, or for public
8 reporting of recent arrests, charges, and other criminal justice activity;

9 (4) may be provided to a criminal justice agency for a criminal justice
10 activity;

11 (5) may be provided to a government agency when necessary for
12 enforcement of or for a purpose specifically authorized by state or federal law;

13 (6) may be provided to a person specifically authorized by a state or
14 federal law to receive that information;

15 (7) in aggregate form may be released to a qualified person, as
16 determined by the agency, for criminal justice research, subject to written conditions
17 that assure the security of the information and the privacy of individuals to whom the
18 information relates;

19 (8) may be provided to a person for any purpose, except that
20 information may not be released if the information is nonconviction information, [OR]
21 correctional treatment information, **or criminal justice information as described in**
22 **(f) of this section**;

23 (9) including information relating to a serious offense, may be
24 provided to an interested person if the information is requested for the purpose of
25 determining whether to grant a person supervisory or disciplinary power over a minor
26 or dependent adult; and

27 (10) may be provided to the person who is the subject of the
28 information.

29 * **Sec. 3.** AS 12.62.160 is amended by adding a new subsection to read:

30 (f) An agency may not release criminal justice information of a criminal case
31 in which the defendant

1 (1) was convicted under AS 11.71.060, or a municipal ordinance with
 2 similar elements, for possession of less than one ounce of a schedule VIA controlled
 3 substance;

4 (2) was 21 years of age or older at the time of commission of the
 5 offense;

6 (3) was not convicted of any other criminal charges in that case; and

7 (4) requests that the agency not release the records.

8 * **Sec. 4.** AS 22.35 is amended by adding a new section to read:

9 **Sec. 22.35.040. Records concerning criminal cases for marijuana**
 10 **possession.** The Alaska Court System may not publish on a publicly available Internet
 11 website the court records of a criminal case in which the defendant

12 (1) was convicted under AS 11.71.060, or a municipal ordinance with
 13 similar elements, for possession of less than one ounce of a schedule VIA controlled
 14 substance;

15 (2) was 21 years of age or older at the time of commission of the
 16 offense; and

17 (3) was not convicted of any other criminal charges in that case.

18 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
 19 read:

20 **PRIOR COURT RECORDS.** The Alaska Court System shall, to the extent practicable,
 21 remove court records existing before the effective date of this Act that meet the requirements
 22 of AS 22.35.040(a), enacted by sec. 4 of this Act, from the court system's publicly available
 23 Internet website.

24 * **Sec. 6.** This Act takes effect January 1, 2023.