

SENATE BILL NO. 184

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY SENATORS BEGICH, Gardner

Introduced: 2/12/18

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act restricting the release of certain records of convictions; relating to criminal**
2 **history information for state employment applications; amending Rule 37.6, Alaska**
3 **Rules of Administration; and providing for an effective date."**

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

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

7 LEGISLATIVE INTENT. It is the intent of the legislature to reduce barriers to
8 employment for people who have been convicted of low-level marijuana possession crimes
9 that would be legal under today's laws. By protecting records of certain low-level crimes from
10 a criminal history background check, it is the legislature's intent to make it more likely that
11 people convicted of only low-level crimes will become contributing members of society.

12 * **Sec. 2.** AS 12.62.160 is amended by adding a new subsection to read:

13 (f) Notwithstanding (b)(8) of this section, an agency may not release records
14 of a criminal case if 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; and

4 (2) was not convicted of any other charges in that case.

5 * **Sec. 3.** AS 22.35 is amended by adding a new section to read:

6 **Sec. 22.35.040. Confidential court records.** The Alaska Court System shall
7 make a court record of a criminal case confidential and limit access to that court
8 record if the defendant

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

12 (2) was not convicted of any other charges in that case.

13 * **Sec. 4.** AS 39.26 is amended by adding a new section to read:

14 **Sec. 39.26.012. Criminal history information.** (a) A state agency may not ask
15 an applicant for employment in the classified, partially exempt, or exempt service to
16 disclose, orally or in writing, if the person has been previously convicted of a crime in
17 this state or in another jurisdiction, including any inquiry about previous convictions
18 on an employment application, until the state agency has determined the applicant
19 meets the minimum employment qualifications as stated in any notice issued for the
20 position.

21 (b) This section does not apply to a position for which a state agency is
22 otherwise required by law to conduct a criminal history background check, to any
23 position within a criminal justice agency, or to any individual working on a temporary
24 or permanent basis under contract with a criminal justice agency.

25 (c) In this section,

26 (1) "criminal justice agency" has the meaning given in AS 12.62.900;

27 (2) "state agency" means a department, office, institution, board,
28 commission, bureau, division, or other administrative unit of state government,
29 including the University of Alaska, the Alaska Railroad Corporation, and any public
30 corporation, board, or commission.

31 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 INDIRECT COURT RULE AMENDMENT. The provisions of AS 22.35.040,
3 enacted by sec. 3 of this Act, have the effect of changing Rule 37.6, Alaska Rules of
4 Administration, by providing that certain case records are confidential and limiting access to
5 those case records.

6 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 CONDITIONAL EFFECT. AS 22.35.040, enacted by sec. 3 of this Act, takes effect
9 only if sec. 5 of this Act receives the two-thirds majority vote of each house required by art.
10 IV, sec. 15, Constitution of the State of Alaska.

11 * **Sec. 7.** This Act takes effect 120 days after becoming law.