



Representative Harriet Drummond
Section Analysis

House Bill 316 "Record Sealing for Simple Possession"

"An Act relating to the release of certain records of convictions; relating to public records; amending Rule 37.5, Alaska Rules of Administration; and providing for an effective date"

Sec. 1 – AS 12.62.160

Stating that an agency may not release records of a criminal case to the public if the defendant was charged with possession of a controlled substance schedule VIA.

Schedule VIA definition: AS 11.71.190 (a) a substance shall be placed in schedule VIA if it is found under AS 11.71.120 to have the lowest degree of danger or probable danger to the person or public.

(b) marijuana is a schedule VIA controlled substance.

Person had to have been 21 years or older at time of offense.

Sec. 2 – AS 22.35(040)

Is amended by adding: AS 22.35.040 Confidential court records. A court record of a criminal case is will be made confidential if defendant was convicted of VIA possession through state or local ordinance as a stand-alone charge.

Sec. 3 – AS 40.25.120

Every person has a right to inspect a public record in the state, including public records in recorders offices except: (18) Records of a schedule VIA possession for less than once ounce if it was a stand-alone charge. Defines that a person must have been 21 or older for the confidentiality to apply.

Sec. 4 *

Alters indirect court rule amendment "Alaska Rules of Administration" by limiting public access to certain case records.

Sec. 5*

States that because of section four of this act must receive 2/3 majority vote in each house because of Article IV Sec. 15 of the Alaska State Constitution.

Sec. 6*

Provides effective date for 120 after bill signing.