



March 29, 2018

The Honorable Neal Foster, Co-Chair
The Honorable Paul Seaton, Co-Chair
House Finance Committee
Alaska State Legislature
State Capitol, Room 118
Juneau, AK 99801

by email: Housefinance@akleg.gov

Re: HB 316: Commonsense change promotes privacy and equality

Dear Co-Chairs Foster, Seaton, and Members of the House Finance Committee:

House Bill 316, which limits access to records for standalone marijuana convictions—convictions for conduct that is now legal—is a simple, commonsense change that will protect privacy, and help Alaskans apply for jobs, housing, and education. HB 316 is a good first step to vindicate privacy rights and equality as we reckon with a failed war on drugs.

Here is how Alaska’s marijuana laws have been disproportionately enforced—in Alaska—in recent history:

- You are more than twice as likely to be arrested for marijuana possession if you are Black.
- If you are Alaska Native or American Indian, you are more than 1.5 times as likely to be arrested for marijuana possession.¹

By looking at the Uniform Crime Report for statewide data on arrests, the six years before the vote to legalize marijuana (2008–2013) averaged 908 arrests for marijuana possession per year.² Comparing arrest demographics with the data from

¹ See Attachment 1, breakdown of Uniform Crime Report demographic data for marijuana possession crimes from 2008–2013. There do not appear to be demographic measures within the criminal history repository through the Court system which would allow tracking of demographics for convictions.

² Although there is no way to determine whether these were standalone convictions, based on the “hierarchy rule” for reporting data, law enforcement reported only the single most serious offense in

the 2010 census, which fell almost in the middle of that six-year period, we can see that those reported as “White”³ were 66.7% of Alaska’s total population, and on average each year, 67.12% of total arrests for marijuana possession. In contrast, those reported as “Black” were only 3.3% of the population but 6.97% of the average annual arrests: a two-fold increase. Similarly, “Indian,” which includes Alaska Native and American Indian populations were 14.8% of the statewide population, but 23.53% of the average annual arrests: one-and-one-half times more.

These findings accord with national numbers: despite marijuana use at about the same rate, Blacks are nearly four times more likely to be arrested for marijuana possession.⁴

Given the well-documented aggressive enforcement of marijuana possession laws against people of color, legalization marked an important breakthrough for fairness and equality. Although HB 316 does not expunge criminal records, which would be preferable, we encourage this Committee to pass this bill without amendment. Give the Alaskans, particularly the disproportionately harmed Alaskans of color, whose lives were derailed for something that is now legal, HB 316 is another important tool for overcoming the harmful consequences of an unjust system.

Sincerely,



Tara A. Rich
Legal & Policy Director

c: Rep. Les Gara, Vice Chair
Rep. Jason Grenn
Rep. David Guttenberg
Rep. Scott Kawasaki
Rep. Dan Ortiz
Rep. Lance Pruitt
Rep. Steve Thompson

an incident for coding purposes. This likely means that the vast majority of marijuana possession arrests are not represented in UCR data because those charges were typically misdemeanors.

³ Note that for census and UCR purposes, “White” can also encompass other minority racial groups not otherwise categorized. See 2010 Census Briefs: The White Population: 2010, (Sep. 2011) <https://www.census.gov/prod/cen2010/briefs/c2010br-05.pdf>.

⁴ ACLU Foundation, *The War on Marijuana in Black and White*, (June 2013) https://www.aclu.org/sites/default/files/field_document/1114413-mj-report-rfs-rell.pdf.

Rep. Tammie Wilson
Rep. Cathy Tilton
Rep. Mark Neuman
Rep. Louise Stutes

	UCR 2013		UCR 2012		UCR 2011		UCR 2010		UCR 2009		UCR 2008		2010 Census	Arrest Averages	Arrest Rate
Total	583		630		1186		1234		1047		771		710,231	908.5	
White	343	59%	418	66%	857	72%	843	68%	743	71%	509	66%	66.7%	67.12%	1.01
Black	43	7%	48	8%	57	5%	96	8%	66	6%	61	8%	3.3%	6.97%	2.11
Indian	171	29%	145	23%	251	21%	272	22%	225	21%	186	24%	14.8%	23.53%	1.59
Asian	25	4%	19	3%	21	2%	23	2%	13	1%	15	2%	5.4%	2.35%	0.44