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Conviction Data for Marijuana Possession in Alaska, 2007-2017

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How many people in Alaska were convicted for possession of less than one ounce of marijuana in the ten years before recreational marijuana was legalized in Alaska?

In 2014, Alaska became the third state to legalize recreational marijuana.¹ Ballot Measure 2 allows Alaskans aged 21 years and older to possess up to an ounce of cannabis and grow up to six plants in their homes, with three flowering at one time. Public consumption of marijuana continues to be illegal. In 2015, the Legislature established the Marijuana Control Board to regulate the new industry.

The Alaska Court system tracks cases by the statute under which defendants are convicted. For the purposes of this report, the Court System was able to provide, for the years 2007 through 2017, a count of cases in which defendants had one or more convictions only under the relevant statute that codifies possession of less than one ounce of a schedule VIA substance (marijuana) as misconduct involving a controlled substance in the sixth degree.² In other words, the number of cases reflects defendants who only had a conviction under AS 11.71.060(a)(2) or AS 11.71.060(a)(2)(A), but no other offenses. For the time frame beginning January 1, 2007, through June 30, 2011, this statute was AS 11.71.060(a)(2), and for the period beginning July 1, 2011, through December 20, 2017, the controlling statute was, and still is, AS 11.71.060(a)(2)(A).

Nancy Meade, General Counsel, Alaska Court System emphasized that these numbers should be considered “ballpark” rather than wholly accurate. She stressed that this search query does not include cases where the charge was not filed under one of the specific subsection of AS 11.71.060 noted above. For example, relevant cases could have been charged under AS 11.71.060 or AS 11.71.060(a).

¹ The law became effective in February 2015. Prior to the passage of Ballot Measure 2, the possession and personal use of relatively small amounts of marijuana was permitted as the result of court decisions based on the privacy clause of the Alaska State Constitution. Beyond this judicial construct, Alaska law permitted marijuana use only for medicinal purposes (AS 17.37).

² In Alaska, marijuana is considered a “schedule VIA controlled substance,” which includes those controlled substances deemed “to have the lowest degree of danger or probable danger to a person or the public” (AS 11.71.190). Marijuana remains illegal under federal law, where it is still classified as a Schedule 1 substance under the Controlled Substances Act, where Schedule 1 substances are considered to have a high potential for dependency and no accepted medical use.

(footnote continued)

Additionally, because convictions are tracked by statute number, it is unknown what specific conduct was actually at issue in a particular case.³

A further limitation to the data is that 2012 was the first year that all courts in the state were entering case information on the court system's data tracking structure, known as CourtView. Thus, for the years before 2012, the number of convictions identified does not include cases from some of the smaller courts.

Number of Cases in Alaska with Convictions for Possession of Less Than One Ounce of Marijuana, 2007-2017		
Year	Description of Charge for the Conviction	Cases
2007	AS 11.71.060(a)(2): CntrlD Subs 6 - Possess <1 oz VIA	26
2008	AS 11.71.060(a)(2): CntrlD Subs 6 - Possess <1 oz VIA	41
2009	AS 11.71.060(a)(2): CntrlD Subs 6 - Possess <1 oz VIA	73
2010	AS 11.71.060(a)(2): CntrlD Subs 6 - Possess <1 oz VIA	91
2011	AS 11.71.060(a)(2)(A): CntrlD Subs 6 - Possess <1 oz VIA	97
2012	AS 11.71.060(a)(2)(A): CntrlD Subs 6 - Possess <1 oz VIA	112
2013	AS 11.71.060(a)(2)(A): CntrlD Subs 6 - Possess <1 oz VIA	145
2014	AS 11.71.060(a)(2)(A): CntrlD Subs 6 - Possess <1 oz VIA	111
2015	AS 11.71.060(a)(2)(A): CntrlD Subs 6 - Possess <1 oz VIA	17
2016	AS 11.71.060(a)(2)(A): CntrlD Subs 6 - Possess <1 oz VIA AS 11.71.060(a)(2)(A): MICS5 Possess <1 oz VIA	6
2017	AS 11.71.060(a)(2)(A): MICS5 Possess <1 oz VIA	2
<p>Notes: The number of cases reflect only those cases with one or more convictions under the relevant statute that codifies possession of less than one ounce of marijuana as misconduct involving a controlled substance. The number of cases should be considered a "ballpark" figure.</p> <p>Source: Nancy Meade, General Counsel, Alaska Court System, 907-264-8264.</p>		

We hope this is helpful. If you have questions or need additional information, please let us know.

³ Ms. Meade can be reached at 907.264.8264 or by email at NMeade@akcourts.us.