

ALASKA LEGISLATURE

Representative Jonathan Kreiss-Tomkins

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Sectional for HB 246 — ACCESS TO MARIJUANA CONVICTION RECORDS Version B

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

Section 1: Adds a new section stating the legislative intent behind this bill.

Section 2: Amends subsection (b)(8) of AS 12.62.160 by adding criminal justice information, for marijuana possession that meet the requirements laid out in (f) of this section, to the list of exceptions for the release of criminal justice information.

Section 3: Adds a new subsection (f) to AS 12.62.160, which adds new criteria for criminal justice information that an agency cannot release. This new section prohibits release of criminal justice information for convictions under AS 11.71.060 for less than one ounce of a "schedule VIA" controlled substance, where the defendant was 21 years or older at the time of the offense, was not convicted of any other criminal charges in that same case, and has formally requested that the agency not release these records.

Section 4: Adds a new section to AS 22.35, stating that records of criminal charges or convictions that meet the requirements stated in this section, may not be published by the court system on a publicly available website. This applies to criminal justice information for convictions under AS 11.71.060 for less than one ounce of a "schedule VIA" controlled substance, where the defendant was 21 years or older at the time of the offense, and was not convicted of any other criminal charges in that same case.

Section 5: Adds a new section to uncodified law of the State of Alaska saying that the Alaska Court System shall remove court records that meet the requirements of this bill, retroactively going back from the effective date of the bill. It also uses the language "to the extent practicable" to clarify that the court system will not be legally required to expend excessive resources or funds to ensure every single record that meets the requirements of this bill for removal from court view, is removed.

Section 6: Provides an effective date of January 1, 2023.