

### HB 246 and SB 207 Comparison and Explanation of Court Rule Amendment

	Removes records of minor marijuana offenses by individuals 21 and over from Court View (going forward AND retroactively)	Removes records of minor marijuana offenses by individuals 21 and over from DPS “any person’s reports” (going forward AND retroactively)	Removal of second half of the legislative intent	Changes the penalty for minor marijuana offenses from misdemeanors to violations for ages 18-20 (going forward from effective date of bill)	Removes newly made violations from Court View for ages 18-20 (going forward from effective date of bill)	Removes newly made violations from background checks by DPS for ages 18-20 (going forward of retroactively)	Changes the penalty or visibility of marijuana offenses committed by minors under 18 years of age
<b>SB 207</b>	X	X	X				
<b>HB 246</b>	X	X		X	X		

An amendment to HB 246 in HFIN added in a new provision which changes the penalty for minor marijuana possession by underage adults (ages 18-20) from a class B misdemeanor (punishable by up to 90 days in jail and/or a fine of up to \$2,000) to a violation, requiring no court appearance, and a fine of \$125 for a first violation and \$250 for any subsequent violations. It also prohibits the court system from publishing records for these offenses on Court View, only going forward from the effective date of the bill. Offenses committed by this age group prior to the effective date of the bill, will remain misdemeanors, and remain viewable on Court View. It also does nothing to shield records for these violations by underage adults from any kind of background checks requested through DPS, although, DPS has pointed out that even now, violations do not show up on any kind of background checks they administer.

These changes made to the penalty and visibility of records for minor marijuana crimes committed by underage adults, was modeled after Senator Micciche’s SB 165 from the 29<sup>th</sup> legislature, which in part, dealt with minor consuming offenses for Alaskans under 21. These “quasi-criminal” charges were reduced to violations requiring no court appearance and a fine, and removed records for these offenses from Court View, going forward. The latter required a court rule amendment saying that a prosecutor may not join records for these violations with any other charge in a single case (due to the limitations with Court View software that allow only entire cases to be removed from view, not individual convictions) and required a 2/3 majority vote by both bodies on this court rule amendment to take effect. SB 165 easily exceeded this 2/3 majority vote in both body and all the portions listed above were signed into law with the rest of the bill.

HB 246 requires the same court rule amendment to the joinder limits to accomplish the removal of violations from Court View for underage adults. It passed in the house with 32 yays.