

# ALASKA LEGISLATURE

## *Representative Jonathan Kreiss-Tomkins*

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### **HB 246: Access to Marijuana Conviction Records**

#### **Explanation of Changes from Version B to Version I**

1. Version I, page 1, lines 1-3, section 1: added new language to the bill title to reflect the changes made by amendment 32-LS 1300\B.3 in HFIN which reduced the penalty for minor marijuana misconduct for persons 18, 19, or 20 years of age to a violation with no required court appearance, and prohibits the release of information related to these violations by the Alaska Court System on a publicly available website. This change required amending Rule 17(h) of the Alaska Rules of Minor Offense Procedure, and the short title now reflects this change as well.
2. Version I, pages 1-2, Section 2, all new language. Amends subsection (a) of AS 11.71.060 adding minor misconduct involving marijuana by persons between the ages of 18-20, to exceptions from the definition of a class b misdemeanor.
3. Version I, pages 2-3: Section 2 of version B is renumbered as Section 3 in version I.
4. Version I, page 3: Section 3 of version B is renumbered as Section 4 in version I.
5. Version I, pages 3-4, Section 5: All new language. Adds a new section to AS 17.38, AS 17.38.055, titled "Misconduct involving marijuana by persons 18, 19, or 20 years of age" which changes the penalty for persons 18-20 years old who knowingly use or display any amount of marijuana, or possess less than one ounce of marijuana, from a class b misdemeanor down to a violation. Violations under this section must be charged and filed with the court as a separate case and may not be combined or joined with any other minor offense or criminal charge in one action at the time of filing. The new language also establishes a fine of \$125 for a first violation, and \$250 for any subsequent violations under this section.

6. Version I, page 4, Section 6: All new language. Amends AS 17.38.370 to state that the violations described in Section 5 of version I, are punishable by a bail schedule and do not require a court appearance.
7. Version I, page 4, Section 7: Renumbers Section 4 from version B to Section 7 and adds a new subsection (2) on page 4, lines 20-22, which adds the violations created in Section 5 to the list of court records the Alaska Court System is prohibited from publishing on a publicly available internet website.
8. Version I, page 4, Section 8: All new language. Adds a Direct Court Rule Amendment, specifically amending 17(h) of the Alaska Rules of Minor Offense Procedure to include the newly created violations under AS 17.38.055 for minor misconduct involving marijuana described in Section 5 to the list of violations that may not be combined or joined by a prosecutor.
9. Version I, pages 4-5, Section 9: Section 5 from version B is renumbered as Section 9 in version I.
10. Version I, page 5, Section 10: All new language. Adds a new section to the uncodified law of the State of Alaska stating that the provisions in sections 2, 5, and 6 of this bill, having to do with the newly created violations under AS 17.38.055, only apply to offenses committed on or after the bill's effective date of January 1, 2023.
11. Version I, page 5, Section 11: All new language. Adds a new section to the uncodified law of the State of Alaska stating that the court rule amendment in Section 8 of the bill must receive the two-thirds majority vote of each house, as required by article 4, section 15 of the Alaska Constitution, in order for the changes in AS 17.38.055(b) to take effect.