

SENATE BILL NO. 8

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY SENATOR BEGICH

Introduced: 1/16/19

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act restricting the release of certain records of convictions; amending Rule 37.6,**
2 **Alaska Rules of Administration; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 LEGISLATIVE INTENT. It is the intent of the legislature to reduce barriers to
7 employment for people who have been convicted of low-level marijuana possession crimes
8 that would be legal under today's laws. By protecting records of certain low-level crimes from
9 a criminal history background check, it is the legislature's intent to make it more likely that
10 people convicted of only low-level crimes will become contributing members of society.

11 * **Sec. 2.** AS 12.62.160 is amended by adding a new subsection to read:

12 (f) Notwithstanding (b)(8) of this section, an agency may not release records
13 of a criminal case if the defendant

14 (1) was convicted under AS 11.71.060, or a municipal ordinance with

1 similar elements, for possession of less than one ounce of a schedule VIA controlled
2 substance;

3 (2) was not convicted of any other charges in that case; and

4 (3) requests that the agency not release the records.

5 * **Sec. 3.** AS 22.35 is amended by adding a new section to read:

6 **Sec. 22.35.040. Confidential court records.** The Alaska Court System shall
7 make a court record of a criminal case confidential and limit access to that court
8 record if the defendant

9 (1) was convicted under AS 11.71.060, or a municipal ordinance with
10 similar elements, for possession of less than one ounce of a schedule VIA controlled
11 substance; and

12 (2) was not convicted of any other charges in that case.

13 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 **INDIRECT COURT RULE AMENDMENT.** The provisions of AS 22.35.040,
16 enacted by sec. 3 of this Act, have the effect of changing Rule 37.6, Alaska Rules of
17 Administration, by providing that certain case records are confidential and limiting access to
18 those case records.

19 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
20 read:

21 **CONDITIONAL EFFECT.** AS 22.35.040, enacted by sec. 3 of this Act, takes effect
22 only if sec. 4 of this Act receives the two-thirds majority vote of each house required by art.
23 IV, sec. 15, Constitution of the State of Alaska.

24 * **Sec. 6.** This Act takes effect 120 days after becoming law.