



Alaska

January 25, 2019

The Honorable Shelley Hughes, Chair  
Senate Judiciary Committee  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801

**by email:** [Senator.Shelley.Hughes@akleg.gov](mailto:Senator.Shelley.Hughes@akleg.gov)

**Re: SB 8: Commonsense change promotes privacy and equality**

Dear Chair Hughes and Members of the Senate Judiciary Committee:

Senate Bill (SB) 8, which allows Alaskans with prior convictions for low-level, standalone marijuana crimes—conduct that is now legal—to limit access to those records is a simple, commonsense change that will protect privacy, and remove barriers to jobs, housing, and education. SB 8 is a good first step to vindicate privacy rights and address a legacy of racial disparity in drug crime enforcement.

In the six years before the legalization of marijuana use in Alaska, our state's marijuana laws were being disproportionately enforced, as evidenced by the following:

- Alaska Natives or American Indians were more than 1.5 times as likely to be arrested for marijuana possession, relative to their share of Alaska's population.
- African-Americans were more than twice as likely to be arrested for marijuana possession, relative to their share of Alaska's population.<sup>1</sup>

According to statewide Uniform Crime Report (UCR) data on arrests, the six years before the vote to legalize marijuana (2008–2013) averaged more than 900 arrests for marijuana possession per year.<sup>2</sup> Comparing arrest demographics with the data

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<sup>1</sup> See Attachment 1, ACLU of Alaska analysis of Uniform Crime Report (UCR) demographic data for marijuana possession crimes in Alaska, 2008–2013.

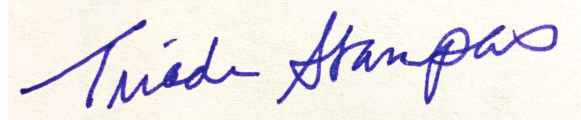
<sup>2</sup> Although there is no way to determine whether these were standalone convictions, based on the “hierarchy rule” for reporting data, law enforcement reported only the single most serious offense in

from the 2010 census, which falls within that six-year period, those reported as “White”<sup>3</sup> were 67% of Alaska’s total population, and 68% of arrests for marijuana possession. By contrast, those reported as “Indian,” a category in the UCR which includes Alaska Native and American Indian populations, comprises 15% of the statewide population, but 23% of arrests: one-and-one-half times as large. Similarly, those reported as “Black” were only 3% of the population but 7% of the arrests—a proportion more than two times as large.

These findings accord with national numbers: despite marijuana use at about the same rate, Blacks are nearly four times more likely to be arrested for marijuana possession.<sup>4</sup>

Given well-documented patterns of disparate enforcement of marijuana laws against people of color, legalization marked an important breakthrough for fairness and equality. Although SB 8 neither expunges criminal records, nor requires an automatic process for limiting access to these records—both measures that would more strongly protect Alaskans’ privacy—we encourage this Committee to pass SB 8 without amendment. For Alaskans whose lives have been derailed over low-level marijuana arrests, particularly disproportionately harmed Alaskans of color, SB 8 is an important tool to help overcome the harmful long-term consequences of a criminal record—in education, employment, and housing—for actions we no longer hold as criminal.

Sincerely,



Triada Stampas  
Policy Director

cc: Sen. Lora Reinbold, Vice Chair  
Sen. Mike Shower  
Sen. Peter Micciche  
Sen. Jesse Kiehl

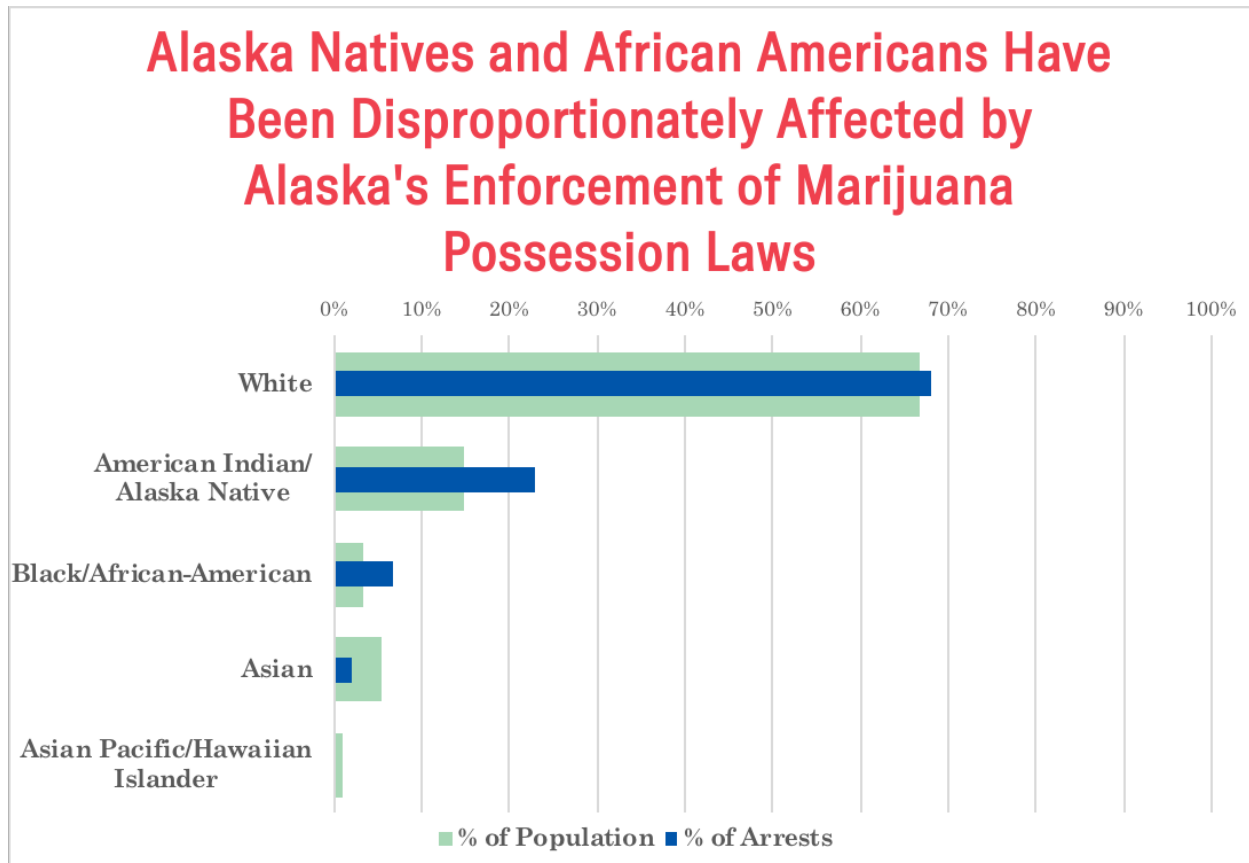
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an incident for coding purposes. This likely means that the vast majority of marijuana possession arrests are not represented in UCR data because those charges were typically misdemeanors.

<sup>3</sup> Note that for census and UCR purposes, “White” can also encompass other minority racial groups not otherwise categorized. See 2010 Census Briefs: The White Population: 2010, (Sep. 2011) <https://www.census.gov/prod/cen2010/briefs/c2010br-05.pdf>.

<sup>4</sup> ACLU Foundation, *The War on Marijuana in Black and White*, (June 2013) [https://www.aclu.org/sites/default/files/field\\_document/1114413-mj-report-rfs-rel1.pdf](https://www.aclu.org/sites/default/files/field_document/1114413-mj-report-rfs-rel1.pdf).

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Data:

	White	American Indian/ Alaska Native	Black/African-American	Asian	Asian Pacific/ Hawaiian Islander
% of Marijuana Possession Arrests, 2008-2013	68%	23%	7%	2%	0%
% of State Population, 2010	67%	15%	3%	5%	1%
% of Arrests : % of Population	1.02 : 1	2.06 : 1	1.55 : 1	0.39 : 1	0.02 : 1

Sources:

- Arrest statistics: ACLU of Alaska analysis of Uniform Crime Statistics for Alaska, 2008-2013.
- Population statistics: US Census demographic data for Alaska, 2010.