

# Fiscal Note

State of Alaska  
2022 Legislative Session

Bill Version: HB 246  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB246-DPS-CJISP-01-14-22  
Title: ACCESS TO MARIJUANA CONVICTION  
RECORDS  
Sponsor: KREISS-TOMKINS  
Requester: (H) Judiciary

Department: Department of Public Safety  
Appropriation: Statewide Support  
Allocation: Criminal Justice Information Systems Program  
OMB Component Number: 3200

## Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2023 Appropriation Requested	Included in Governor's FY2023 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2023	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Personal Services	101.5		101.5				
Travel	4.0		2.0				
Services	71.7		15.7				
Commodities	7.0		2.0				
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>184.2</b>	<b>0.0</b>	<b>121.2</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## Fund Source (Operating Only)

1004 Gen Fund (UGF)	184.2		121.2				
<b>Total</b>	<b>184.2</b>	<b>0.0</b>	<b>121.2</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## Positions

Full-time	1.0		1.0				
Part-time							
Temporary							

## Change in Revenues

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Estimated SUPPLEMENTAL (FY2022) cost:** 0.0 (separate supplemental appropriation required)

**Estimated CAPITAL (FY2023) cost:** 0.0 (separate capital appropriation required)

**Does the bill create or modify a new fund or account?** No  
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

## ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

## Why this fiscal note differs from previous version/comments:

Not applicable, initial version.

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Phone: (907)917-9908  
Date: 01/14/2022  
Date: 01/14/22

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2022 LEGISLATIVE SESSION

BILL NO. HB 246

### Analysis

This bill amends AS 12.62.160 (release and use of criminal justice information; fees) by adding a new subsection to prohibit the release of criminal history record information of a person convicted under AS 11.71.060 (misconduct involving controlled substances in the sixth degree) or a municipal ordinance with similar elements if the person:

- Was convicted for possession of less than one ounce of marijuana;
- Was 21 years of age or older at the time the offense was committed;
- Was not convicted of any other criminal charges in that case; and
- Requests that the department not release the records.

The Department of Public Safety (DPS) Criminal Justice Information Systems Program unit is responsible for operating and maintaining the state's central repository of criminal history record information and collecting, storing, and releasing criminal justice information as provided under AS 12.62.

This analysis assumes that only criminal history records of convictions would be prohibited from release as specified in the bill. Records of arrests, charges, or dismissal of charges under AS 11.71.060 would not be prohibited.

There are approximately 8,500 criminal history records in the state's criminal history repository for convictions under applicable variants of AS 11.71.060 or a municipal ordinance with similar elements. Should this bill pass, each of these criminal history records will need to be individually researched upon request of the defendant to determine whether the conviction under AS 11.71.060 meets the criteria in this bill.

Because the number of defendant requests is unknown, DPS proposes hiring a Criminal Justice Specialist to dedicate to this effort for two years with temporary increment funding. This position would research all requests and update the criminal history repository to restrict the release of these records as outlined in the bill. The position would also proactively research records to expedite future requests as time permits. The annual personal services cost for a Criminal Justice Specialist is \$101,541 plus initial set-up costs for training, office equipment, and supplies.

Additionally, programming changes to the criminal history repository will be needed to restrict the availability of a criminal history record. The criminal history repository is a legacy mainframe application that will require a programmer with a specialized skill set to modify the system. DPS estimates it will require 400 hours for a contractor to learn, code, and test the system changes to ensure the modifications meet the desired outcome. The commonly accepted rate for a contractor with this skill set is \$140 per hour, for a total estimated cost of \$56,000 for the first year only.