

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version:	CSSB 30(JUD)
Fiscal Note Number:	4
(S) Publish Date:	2/23/2015

Identifier: SB030-LAW-CRIM-02-21-15
 Title: MARIJUANA REG;CONT.
 SUBST;CRIMES;DEFENSES
 Sponsor: JUDICIARY
 Requester: (S) FIN

Department: Department of Law
 Appropriation: Criminal Division
 Allocation: Criminal Justice Litigation
 OMB Component Number: 2202

Expenditures/Revenues

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

	FY2016	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2016 Request	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES	FY 2016	FY 2016					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 *(separate capital appropriation required)*
(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 If yes, by what date are the regulations to be adopted, amended or repealed?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:

This fiscal note differs from the initial version because it reflects the changes made in Senate Judiciary.

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Division:	Administrative Services Division	Date:	02/20/2015 04:01 PM
Approved By:	Craig W. Richards, Attorney General	Date:	02/21/15
Agency:	Department of Law		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

Analysis

This bill removes marijuana from the controlled substances schedule and creates new crimes relating to marijuana.

The bill removes marijuana, hashish, and hash oil from the controlled substances schedule and makes several conforming amendments to Alaska Statutes. It also creates five new crimes in relation to marijuana: Misconduct Involving Marijuana in the First Degree (class A misdemeanor), Misconduct Involving Marijuana in the Second Degree (class B misdemeanor), Misconduct involving Marijuana in the Third Degree (violation), Misconduct Involving Marijuana in the Fourth Degree (violation), and Failure to Carry Proof of Registration (violation).

Misconduct Involving Marijuana in the First Degree prohibits a person from possessing 25 or more marijuana plants and delivering any amount of marijuana to a person under 21. Licensed marijuana establishments may possess and deliver more than an ounce of marijuana and possess more than 25 marijuana plants if they are compliant with all of the licensing requirements under AS 17.38. However, a licensed marijuana establishment may not allow a person under 21 to enter and remain in their establishment or sell marijuana to a person under 21. Misconduct Involving Marijuana in the First Degree is a class A misdemeanor.

Misconduct Involving Marijuana in the Second Degree includes a prohibition on possessing more than six but less than 24 marijuana plants. A licensed marijuana establishment may engage in this conduct if they are compliant with all of the licensing requirements under AS 17.38. Misconduct Involving Marijuana in the Second Degree is a class B misdemeanor.

Misconduct Involving Marijuana in the Third Degree prohibits a person from manufacturing marijuana in a place subject to public view without optical aids, in an unsecure location, or without a property owner's consent. Under this section, a person under 21 is prohibited from using false identification to purchase marijuana and a person under 18 years of age is prohibited from possessing any amount of marijuana. Misconduct Involving Marijuana in the Third Degree is a violation.

Misconduct Involving Marijuana in the Fourth Degree prohibits a person 21 years of age or older from consuming marijuana in public. Persons between the ages of 18-21 are prohibited from possessing any amount of marijuana. Misconduct Involving Marijuana in the Fourth Degree is a violation.

The bill requires a person who works for a marijuana establishment to carry proof that they are licensed under AS 17.38 when transporting more than one ounce of marijuana. If a person is cited they may avoid conviction by presenting their valid license in court or to the citing officer. Failure to Carry Proof of Registration is a violation.

The violations created in the bill allow a person to avoid a court appearance and pay any fines by mail.

Finally, the bill makes introducing or receiving marijuana in a correctional facility a class A misdemeanor.

The Department of Law does not anticipate a fiscal impact.