

**ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE**

March 20, 2020

2:02 p.m.

MEMBERS PRESENT

Senator John Coghill, Chair
Senator Peter Micciche, Vice Chair
Senator Shelley Hughes (via teleconference)
Senator Lora Reinbold (via teleconference)
Senator Jesse Kiehl

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 124

"An Act relating to the recording of documents; relating to notaries and notarization, including notarial acts performed for remotely located individuals; and providing for an effective date."

- MOVED SSHB 124 OUT OF COMMITTEE

SENATE BILL NO. 8

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

- HEARD & HELD

HOUSE BILL NO. 123

"An Act relating to electric-assisted bicycles."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: HB 124

SHORT TITLE: ELECTRONIC DOCUMENTS AND NOTARIZATION

SPONSOR(S): REPRESENTATIVE(S) CLAMAN

04/05/19 (H) READ THE FIRST TIME - REFERRALS

04/05/19 (H) JUD, FIN
 04/08/19 (H) JUD WAIVED PUBLIC HEARING NOTICE, RULE
 23(A) UC
 04/12/19 (H) JUD AT 1:00 PM GRUENBERG 120
 04/12/19 (H) Scheduled but Not Heard
 04/15/19 (H) JUD AT 1:00 PM GRUENBERG 120
 04/15/19 (H) Heard & Held
 04/15/19 (H) MINUTE(JUD)
 02/17/20 (H) SPONSOR SUBSTITUTE INTRODUCED
 02/17/20 (H) READ THE FIRST TIME - REFERRALS
 02/17/20 (H) JUD
 02/21/20 (H) JUD AT 1:00 PM GRUENBERG 120
 02/21/20 (H) -- MEETING CANCELED --
 02/24/20 (H) JUD AT 1:00 PM GRUENBERG 120
 02/24/20 (H) Heard & Held
 02/24/20 (H) MINUTE(JUD)
 02/26/20 (H) JUD AT 1:00 PM GRUENBERG 120
 02/26/20 (H) Moved SSHB 124 Out of Committee
 02/26/20 (H) MINUTE(JUD)
 02/28/20 (H) JUD RPT 4DP 1DNP
 02/28/20 (H) DP: DRUMMOND, STUTES, KOPP, CLAMAN
 02/28/20 (H) DNP: EASTMAN
 03/13/20 (H) NOT TAKEN UP 3/13 - ON 3/16 CALENDAR
 03/17/20 (H) TRANSMITTED TO (S)
 03/17/20 (H) VERSION: SSHB 124
 03/18/20 (S) READ THE FIRST TIME - REFERRALS
 03/18/20 (S) JUD
 03/19/20 (S) JUD WAIVED PUBLIC HEARING NOTICE, RULE
 23
 03/20/20 (S) JUD AT 2:00 PM BELTZ 105 (TSBldg)

BILL: SB 8

SHORT TITLE: ACCESS TO MARIJUANA CONVICTION RECORDS

SPONSOR(S): SENATOR(S) BEGICH

01/16/19 (S) PREFILE RELEASED 1/7/19
 01/16/19 (S) READ THE FIRST TIME - REFERRALS
 01/16/19 (S) JUD
 01/25/19 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 01/25/19 (S) Heard & Held
 01/25/19 (S) MINUTE(JUD)
 03/04/20 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 03/04/20 (S) Heard & Held
 03/04/20 (S) MINUTE(JUD)
 03/06/20 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 03/06/20 (S) Scheduled but Not Heard
 03/16/20 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

03/16/20 (S) Heard & Held
03/16/20 (S) MINUTE (JUD)
03/20/20 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

REPRESENTATIVE MATT CLAMAN
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified as sponsor of HB 124.

DAVID CLARK, Staff
Representative Matt Claman
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided a sectional analysis for HB 124 on behalf of the sponsor.

TERRY BRYAN, President
Yukon Title Company; Member
Alaska Land Title Association
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 124.

MERCEDES COLBERT, Staff
Senator Tom Begich
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions on SB 8 on behalf of the sponsor.

NANCY MEADE, General Counsel
Administrative Offices
Alaska Court System
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on SB 8.

SENATOR TOM BEGICH
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified as sponsor of SB 8.

ACTION NARRATIVE

[2:02:45 PM](#)

CHAIR JOHN COGHILL called the Senate Judiciary Standing Committee meeting to order at 2:02 p.m. Present at the call to order were Senators Kiehl, Hughes (via teleconference), Micciche, and Chair Coghill. Senator Reinbold joined the meeting (via teleconference) shortly thereafter.

HB 124-ELECTRONIC DOCUMENTS AND NOTARIZATION

[2:03:46 PM](#)

CHAIR COGHILL announced consideration of SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 124, "An Act relating to the recording of documents; relating to notaries and notarization, including notarial acts performed for remotely located individuals; and providing for an effective date."

[2:04:39 PM](#)

REPRESENTATIVE MATT CLAMAN, Alaska State Legislature, Juneau, Alaska, sponsor of HB 124, said the bill would establish a secure process for remote online notarization to facilitate commercial transactions in Alaska. It would add substance to the words, "Alaska is open and ready for business." The legislature's current work to address the COVID-19 pandemic highlights the importance of this legislation. It makes it possible for individuals who are self-quarantined to safely execute legal documents from their homes and in the electronic presence but not the physical presence of a notary public.

He said HB 124 was presented initially to the House Judiciary Committee in April 2019. Since then, his office has met regularly with the lieutenant governor's office to ensure that the bill aligns with the strengths and the daily operations of the Notary Commission. He expressed gratitude to Senator Hughes who carried the Senate version, which also sits in this committee. Notaries are responsible for supervising the signing of documents and attesting to the authenticity of a document and the identities of the parties involved. Setting up a system for a remote, online notarization is particularly useful in Alaska given the state's immense size and the fact that many communities are not connected by roads.

REPRESENTATIVE CLAMAN stated that commercial transactions within the state are often delayed as parties ship documents back and forth for the purpose of notarization. HB 124 would allow individuals to have documents notarized from their own homes and offices without these delays.

[2:06:23 PM](#)

REPRESENTATIVE CLAMAN offered an example of how the bill will help Alaskans. He described a military family that was in the process of selling the family home while the husband was deployed overseas. The wife could sign documents, but because she was not able to get the documents to her husband, the family lost the sale. If remote notarization had been in place, the husband could have had the document notarized from the base where he was stationed.

REPRESENTATIVE CLAMAN said given the sensitive nature of notarized documents, any updates to notarial law must maintain the integrity and security of the process. HB 124 will update Alaska's notarial law to keep the process secure and make sure that it is consistent with notarial law in the growing number of states that permit remote online notarization. Use of electronic records in commercial, governmental, and personal transactions is becoming increasingly prevalent in Alaska and around the world. This bill will allow Alaskans to keep up with these trends and perform notarizations with greater ease. This bill will help strengthen Alaska by creating a process for remote online notarization and improving efficiency and convenience of transactions in the state.

[2:08:06 PM](#)

DAVID CLARK, Staff, Representative Matt Claman, Alaska State Legislature, Juneau, Alaska, said HB 124 updates Alaska's current notarial laws by giving notaries the option to perform online notarizations for remotely located individuals. It would also make sure that these online notarizations remain secure. Through a series of meetings with the Notary Commission in the Office of the Lieutenant Governor, the sponsor has made the following revisions to HB 124:

- Section 3: This section was added to establish that the Uniform Electronic Transactions Act (AS 09.80) applies to AS 40.17, and the Department of Natural Resources shall accept notarial acts as described in section 10 of this bill.
- Section 5 Amends AS 44.50.034(a): Raises the bond requirement for a notary public applicant from \$1,000 to \$2,500.
- Section 10: Similar to section 13 of version A, except that it establishes three requirements for identifying a remotely located individual: (1) viewing a government-issued identification card, (2) credential

analysis of the government-issued identification card, and (3) one type of identity proofing.

- Section 11: Subparagraph (b) is amended to add that a notary public must maintain at least one journal in a tangible medium to chronicle all remote notarial acts. The notary public may also keep one or more electronic journals to chronicle remote notarial acts. Additionally, because the Lieutenant Governor's office has never retained or stored notary journals, it removes subparagraph (f), which would allow a notary public to transmit a journal to the Office of the Lieutenant Governor for retention, and subparagraph (g), which would require the estate to transmit the notary public's journal(s) to the Office of the Lieutenant Governor upon death or adjudication of incompetence of the notary public.

[2:09:59 PM](#)

CHAIR COGHILL asked whether the companion bill includes these changes.

SENATOR HUGHES answered that she was aware of and did not object to the changes. She commented that Representative Claman's staff did a good job updating members on the changes.

CHAIR COGHILL asked invited testifiers to comment on the bill.

[2:10:58 PM](#)

TERRY BRYAN, President, Yukon Title Company; Member, Alaska Land Title Association, Anchorage, Alaska, spoke in support of HB 124, which would allow online notarization. He thanked staff and the Lieutenant Governor's office. He said that it is a pleasure to see bipartisan coordination and cooperation. He offered his view that HB 124 is good legislation.

[2:12:04 PM](#)

CHAIR COGHILL noted that Senator Reinbold had joined the meeting via teleconference.

[2:12:12 PM](#)

MR. BRYAN said the current regulations for notarization have been incorporated into the bill. He has vetted the process through the Lieutenant Governor's office, the Department of Natural Resources Recorder's Office, the Alaska Real Estate Commission, and the Alaska real estate and mortgage lending industries while confirming the compatibility of HB 124 with

other states that have enacted or proposed similar legislation. He pointed out that this bill is not exclusively for real estate or insurance related industries. It also supports all segments of Alaska's economy and consumers that use or require a notary process. At present, 23 states have enacted remote online notarization statutes and 11 more are in the process of doing so. He offered his view, which is shared by the stakeholders, that passage of HB 124 will improve the flow of commerce while enhancing consumer protections. This need has been brought to the forefront by the current pandemic. The development of appropriate and necessary regulations by the Lieutenant Governor's office should be eased by his office's current engagement with the Association of Secretaries of State, who have developed a detailed set of recommended guidelines and parameters for writing and creating regulations. This could help provide a template for implementation of this legislation while taking into consideration the needs and uniqueness of Alaska and its citizens. The Alaska Land Title Association and other industry associations stand in support of HB 124, as currently written.

[2:14:10 PM](#)

CHAIR COGHILL asked if the industry supported the increase in the bonding requirements.

REPRESENTATIVE CLAMAN deferred to Mr. Bryan to answer. He noted that these bonds are referred to as signature bonds or unsecured bonds, but that is not seen as a barrier to performing work.

MR. BRYAN answered that the Alaska Land Title Association is very comfortable with the increase, which has not been changed in many years. It is representative of bond requirements in other states.

[2:15:56 PM](#)

SENATOR KIEHL asked how the process to notarize signatures would work remotely. When the bill speaks to credential analysis of an identification and the definition of identity proofing, it speaks to a third person assisting the notary. He asked for a sense of model regulations and how the process would work.

REPRESENTATIVE CLAMAN deferred to Mr. Bryan to describe the regulations. He commented that the regulations will be consistent with other states and not simply developed in Alaska.

MR. BRYAN said the Alaska Land Title Association worked with the sponsor to provide the Lieutenant Governor the flexibility to

tailor the regulations and maintain compatibility with other states and yet allow the addition of other restrictions related to third-party analysis. He explained that the state could contract for electronic software programs to be used for credentialed analyses. For example, a person could hold real driver license identification up to a cell phone or camera which can provide a high level of authenticity, much greater than the visual eye. There are several models of identity proofing, including using private knowledge. For example, one question might ask which of five addresses was used for a car loan. A follow-up question could ask the person to select addresses the person is familiar with, including one with perhaps a childhood address. A certain set of private questions would be used to increase confidentiality and protection using information not normally found in a person's wallet or at one's home.

SENATOR KIEHL said that gives him a better idea of the process and regulations.

[2:20:26 PM](#)

CHAIR COGHILL asked how often notaries have been called for mistakes in identifying someone.

MR. BRYAN answered that he is not aware of any in his 20 plus years and his office has over 40 notaries. It has not been an issue.

[2:21:07 PM](#)

SENATOR MICCICHE asked why the requirement on page 7, lines [1-4] in subsection (c) is only for remotely located individuals outside the U.S., but it is not required for domestic.

(c) If a notarial act is performed under this section, the certificate of notarial act required under AS 44.50.060 must state that the notarial act was performed using communication technology. A statement is sufficient if it states substantially as follows: "This notarial act involved the use of communication technology."

REPRESENTATIVE CLAMAN explained that much of the language came from the Uniform Laws Act.

CHAIR COGHILL pointed out that the provision on page 6, [paragraph] (1) (A), (B), and (C) has the same requirement for domestic notarizations.

SENATOR MICCICHE said he didn't read it that way.

REPRESENTATIVE CLAMAN clarified that the language on page 5, lines 29-30 requires the use of communication technology.

2:23:25 PM

SENATOR MICCICHE said the language on page 6 talks about remotely located individuals outside the U.S. and the language on page 7 in subsection (c) requires a statement that says, "This notarial act involved the use of communication technology." He said he believes that requirement only applies to individuals living outside the state but not for domestic notarial acts.

REPRESENTATIVE CLAMAN said he did not have an explanation.

CHAIR COGHILL asked Mr. Bryan if he had an answer.

MR. BRYAN said the industry understands that there would not be any differentiation between those living in Alaska, in the Lower 48, or outside the U.S, such that the same verification that identifies it as an electronic notarial action would be a requirement. He said that he did not notice the omission but the intent is for the process to be the same.

CHAIR COGHILL commented that the language needs to conform.

2:25:18 PM

REPRESENTATIVE CLAMAN agreed with Mr. Bryan that it appears to be a drafting oversight. He referred to page 5, noting there is clearly a requirement in subsection (a) that an individual can comply by using communication technology. He said a person could not comply with this section without using communication technology.

CHAIR COGHILL referred to page 6, lines 16-18, which read, "(2) the notary public is able reasonably to confirm that a record before the notary public is the same record in which the remotely located individual made a statement or on which the individual executed a signature;". He mentioned the language in paragraph (B) and questioned whether he was missing the point.

2:26:15 PM

SENATOR MICCICHE restated that a foreign individual must state on the record that the notarial act involved the use of communication technology but that doesn't seem to be required for a domestic notarial act. He said he didn't understand why

more would be required for a foreign transaction than a domestic transaction because the notary wouldn't necessarily know the identity of someone in the next town any more than one located on the other side of the world.

[2:27:03 PM](#)

SENATOR KIEHL said his reading was slightly different. The section related to remotely located individuals located outside of the U.S. is found [on page 6], Sec. 44.50.075](b)(4), which has its own subparagraphs (A) and (B). The statement that the notarial act was performed using communication technology is located in [Sec. 44.50.075](c). He said we jumped from subsection (b)(4)(B) to subsection (c) and he believes subsection (c) applies to all notarial acts performed remotely.

[2:27:50 PM](#)

CHAIR COGHILL suggested asking the Legislative Legal drafter to review the language in Sec. 44.50.075.

REPRESENTATIVE CLAMAN acknowledged that Senator Kiehl had a point. The language on page 5, line 29 says that complying with the law would be under AS 44.50.062(5)(A). The language on page 6, line 6, under subsection (b)[(1)(B)], also says complying with the law would be under AS 44.50.062(5)(A). But the language in subsection (c) on page 7 talks about a notarial act under AS 44.50.060, which is a slightly different statute.

He referred to Sec. 44.50.062(5)(A) starting on page 3 that has to do with the signature and Sec. 44.50.060 on page 3 that applies to the foreign notarization and opined that the distinction between the foreign and the domestic notarial transactions is that each one references a different section of statute.

CHAIR COGHILL related his understanding that AS 44.50.060 relates to the duties of a notary public. The new section would add language to certify that the tangible copy is accurate.

REPRESENTATIVE CLAMAN agreed.

[2:30:03 PM](#)

SENATOR MICCICHE said he believes that Senator Kiehl is correct. In Section 10, subsection (a) states that a remotely located individual may comply with AS 44.50.062(5)(A) by using communication technology to appear before a notary public. Subsection (b), beginning on page 5, line 31, includes substantial language but separates out the foreign located

individual. Subsection (c) [on page 7 lines 1-4] is still part of Section 10, and it applies to foreign and domestic transactions. He said he was satisfied that all notarial actions that would be performed electronically using communication technology will require that statement.

[2:31:02 PM](#)

CHAIR COGHILL asked Mr. Bryan if he agreed.

MR. BRYAN responded that he was not able to track the cites, but he agreed that [requiring that statement for all transactions] was the intention.

[2:32:08 PM](#)

SENATOR HUGHES said she was satisfied with the bill.

[2:32:11 PM](#)

SENATOR REINBOLD said she too was satisfied with the bill.

[2:32:23 PM](#)

CHAIR COGHILL solicited a motion.

SENATOR MICCICHE said that he does not have any concern with the bill and he supports electronic conveyance of notarization.

[2:32:59 PM](#)

SENATOR MICCICHE moved to report HB 124, work order 31-LS0627\S, from committee with individual recommendations and attached zero fiscal note(s).

CHAIR COGHILL found no objection and SSHB 124 was reported from the Senate Judiciary Standing Committee.

[2:33:26 PM](#)

At-ease.

SB 8-ACCESS TO MARIJUANA CONVICTION RECORDS

[2:35:01 PM](#)

CHAIR COGHILL reconvened the meeting and announced the consideration of SENATE BILL NO. 8, "An Act restricting the release of certain records of convictions; amending Rule 37.6, Alaska Rules of Administration; and providing for an effective date." [The committee adopted Version S as the working document during the 3/16/20 hearing.]

[2:35:11 PM](#)

MERCEDES COLBERT, Staff, Senator Tom Begich, Alaska State Legislature, Juneau, Alaska, introduced herself.

[2:35:45 PM](#)

At-ease.

[2:36:18 PM](#)

CHAIR COGHILL reconvened the meeting.

[2:37:02 PM](#)

SENATOR MICCICHE moved to adopt Amendment 1, S.4.

31-LS0208\S.4
Radford
3/16/20

A M E N D M E N T 1

OFFERED IN THE SENATE BY SENATOR MICCICHE
TO: CSSB 8(JUD), Draft Version "S"

Page 3, line 8:
Delete "a new section"
Insert "new sections"

Page 3, following line 8:
Insert a new section to read:

"Sec. 22.35.035. Records concerning minor offenses. (a) The Alaska Court System may not publish on a publicly available website a court record of a minor offense case if

(1) 10 years have elapsed since the final disposition of the case; and

(2) the only charges filed in that case were minor offense charges.

(b) This section does not apply to a case in which a criminal offense is charged along with a minor offense.

(c) In this section, "minor offense" means

(1) an offense classified by statute as an infraction or a violation;

(2) an offense for which a bail forfeiture amount has been authorized by statute and established by supreme court order;

(3) a municipal motor vehicle or traffic offense for which a fine amount has been established in a fine schedule adopted by municipal ordinance under AS 28.05.151;

(4) an offense under a statute or municipal ordinance for which a conviction cannot result in incarceration or the loss of a valuable license and for which a fine schedule has been established under AS 29.25.070(a);

(5) an offense under a statute or municipal ordinance for which a conviction cannot result in incarceration, a fine greater than \$1,000, or the loss of a valuable license;

(6) a violation of a fish and game regulation charged as a strict liability offense; or

(7) a commercial fishing offense listed in AS 16.05.722 charged as a strict liability offense."

CHAIR COGHILL objected for discussion purposes.

SENATOR MICCICHE said this is a philosophical point for him. The bill would restrict the release of certain records of convictions for the simple possession of marijuana when no other crime was committed. However, there was no way to legally obtain marijuana, which means the person had to break two laws: purchasing the marijuana from a drug dealer or friend and using the substance. He said that he understands the purpose of the bill and thinks he can support it. However, it seems ironic that the convictions will be removed from CourtView because the person broke at least one law to acquire the marijuana and simple violations remain on CourtView forever.

He related his understanding that the sponsor does not object to Amendment 1, which if 10 years have elapsed since the final disposition, [the Alaska Court System] may not publish on CourtView the minor offense as listed in subsection (c)], which he summarized. He related his understanding that a person could still obtain the information from the Department of Public Safety (DPS) but it would not be listed on CourtView.

2:40:17 PM

MS. COLBERT stated that Senator Begich was neutral on Amendment 1 and asked the record to reflect that he had some minor offenses that were at least 10 years old that would be subject to Amendment 1. She said Senator Begich did due diligence by checking with Legislative Legal Services and the Select

Committee on Legislative Ethics to ensure that no issue arose. Ultimately, because so many Alaskans would benefit, he would not benefit any more than anyone else.

[2:41:05 PM](#)

SENATOR MICCICHE asked the record to reflect that he also had minor offenses that were more than ten years old.

CHAIR COGHILL remarked that some people, including himself, did not get caught committing minor offenses.

SENATOR KIEHL agreed.

[2:41:34 PM](#)

SENATOR HUGHES said she might have a speeding ticket that would be removed if SB 8 passes. She asked how labor intensive this would be for the court system and if it would trigger a fiscal note. She asked if the term "valuable license" was defined in statute.

[2:42:35 PM](#)

CHAIR COGHILL deferred to Senator Micciche and Nancy Meade with the Alaska Court System to respond.

SENATOR MICCICHE said he asked the questions because he would not have supported the bill if it was burdensome. He deferred to Nancy Meade to further respond.

[2:43:15 PM](#)

NANCY MEADE, General Counsel, Administrative Offices, Alaska Court System, Anchorage, Alaska, confirmed that the Alaska Court System can remove those 10-year-old minor offenses without a fiscal impact. She estimated that it would take 20 hours to write the program and do a daily run. The court system can do this with existing resources. The bill has an extended effective date so it would not result in any impact. She advised that the language on page 1, line 14 of Amendment 1, subsection (c), defines "minor offense." This language mirrors the Alaska Court System's definition of minor offense, which is found at the beginning of the court system's rules of minor offense procedures. Under the bill, the statute and rule would be the same so there should not be any confusion.

[2:45:06 PM](#)

SENATOR MICCICHE related his understanding that a "valuable license" would be if a person lost a license.

MS. MEADE referred to lines 21-23 [paragraph (4)]. She said the offense cannot result in the loss of a license, because a conviction that results in the loss of a license escalates to something more than a minor offense. This provision ensures that only the offenses not subject to harsh punishment, such as taking away a person's license, are minor offenses.

[2:46:13 PM](#)

SENATOR HUGHES observed that there were different types of licenses and asked how the term "valuable" was defined and who would make the determination.

MS. MEADE said she didn't know which particular licenses were described as valuable, but she recalled that it included a professional license. For example, if a conviction caused a person to lose his or her medical license, the status of the offense would elevate to more criminal than minor. She said valuable license is not defined, but the language is taken from a court decision related to minor consuming. The court determined that when a minor lost his or her driver's license, it was the loss of a valuable license. Therefore, minor consuming alcohol could not be considered a minor offense. She pointed out that has subsequently been changed since minor consuming currently is a violation and the individual does not lose his or her driver's license. She explained that once an individual can lose his or her license, the person has more at stake, so the court does not consider it to be a minor offense.

[2:48:12 PM](#)

SENATOR REINBOLD said she did not support the bill or Amendment 1.

MS. MEADE said the Alaska Court System was neutral on the bill.

[2:48:54 PM](#)

CHAIR COGHILL removed his objection.

SENATOR REINBOLD objected.

[2:49:19 PM](#)

A roll call vote was taken. Senators Kiehl, Hughes, Micciche, and Coghill voted in favor of Amendment 1 and Senator Reinbold voted against it. Therefore, Amendment 1 was adopted by a 4:1 vote.

[2:50:15 PM](#)

SENATOR HUGHES moved to adopt Amendment 2, S.5.

A M E N D M E N T 2

OFFERED IN THE SENATE BY SENATOR HUGHES
TO: CSSB 8(JUD), Draft Version "S"

Page 1, line 9:

Delete "certain types of criminal history background checks"

Insert "publication on a publicly available Internet website"

Page 1, line 12, through page 3, line 7:

Delete all material.

Renumber the following bill sections accordingly.

Page 3, line 10, following "**possession.**":

Insert "(a)"

Page 3, following line 17:

Insert a new subsection to read:

"(b) The Alaska Court System shall
(1) issue a notice on its publicly available Internet website that court records under (a) of this section have been removed from the publicly available Internet website; and

(2) provide information on how to obtain a criminal history record that includes the information removed under (a) of this section."

CHAIR COGHILL objected for discussion purposes.

SENATOR HUGHES explained that Amendment 2 maintains the focus on removal of the records from CourtView but would not keep the Department of Public Safety from releasing the record. It also directs the court system to add a notice on its homepage that certain conviction records may have been removed. A link would inform the party how to obtain a full record from the department.

She said she had compassion for people who were trying to find work and had taken ownership of their mistakes. She also believes that the legislature should do what it can to ensure that prior offenders remain ex-offenders and not repeat offenders. However, as Senator Micciche pointed out, possession of marijuana was illegal when the person was initially charged and convicted and for the state to disregard that someone broke the law makes it an accomplice in a lie of omission. She elaborated that purchasing marijuana would have been an illegal black market purchase unless the person grew his or her own marijuana.

SENATOR HUGHES said she was not endorsing or opposing the voter initiative with Amendment 2, but rather asking if the state should participate in hiding the person's crime. It would set bad precedent, she said. Potential employers need to know that their applicants have the highest regard for the law. She speculated on who might want to know about the conviction and offered her view that Amendment 2 was a fair compromise. It allows the record to be removed from CourtView, but it informs the public that some records may have been removed and provides instructions on how to obtain a full record. She maintained that it would still assist the bill sponsor with his efforts to help Alaskans who have a history of past marijuana possession to find meaningful employment. She offered her view that Amendment 2 did not hurt the spirit or goal of SB 8.

[2:54:53 PM](#)

CHAIR COGHILL maintained his objection and asked the bill sponsor to speak to Amendment 2.

[2:55:03 PM](#)

SENATOR BEGICH stated that Amendment 2 effectively renders the bill meaningless. He disagreed that it was a compromise. He explained the intent of SB 8 is consistent with actions being taken throughout the nation. For example, Chicago has taken similar actions that potentially affect millions of people. He acknowledged that possession or use of marijuana used to be a crime, but it is not a crime today. He pointed out that in Virginia it was a crime just a few decades ago to marry someone not of the same race. A person could not vote under the age of 21 until the U.S. Constitution was changed to allow it. He said society is changing and evolving. He said that he defers to the will of the committee but appreciated the opportunity to comment on Amendment 2.

[2:57:51 PM](#)

SENATOR HUGHES respectfully disagreed with the bill sponsor that Amendment 2 would harm the bill. She offered her view that it would still help achieve the goal of the bill. She thought it would be rare that someone would take the extra steps to go to the Department of Public Safety to obtain additional information on any minor offenses. Even if someone did and saw that the person had been convicted of possession of marijuana, everyone knows that it is legal now. She offered her view that removing it from CourtView signals that it is no longer a law. She offered her view that a small number of people will be impacted by this and they would still be able to obtain jobs.

[2:59:20 PM](#)

SENATOR REINBOLD stated support for Amendment 2 and remarked that she did not agree with the comparisons the bill sponsor made since not everyone agrees that legalization of the possession of marijuana is a positive or beneficial change.

[3:00:21 PM](#)

SENATOR MICCICHE said he had additional comments but the committee time was over.

CHAIR COGHILL held SB 8 in committee with Amendment 2 pending.

[3:01:04 PM](#)

There being no further business to come before the committee, Chair Coghill adjourned the Senate Judiciary Standing Committee meeting at 3:01 p.m.