

HOUSE BILL NO. 28

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES WRIGHT, Himschoot, Armstrong, Schrage, Mina, Groh, Shaw, Coulombe, Dibert, McCormick, Tomaszewski, Hannan, Sumner, Story, Galvin, Ortiz, Mears, Gray, Fields

Introduced: 1/19/23

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act restricting the release of certain records of convictions; and providing for an**
2 **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 on January 1, 2024.

9 *** Sec. 2.** AS 12.62.160(b) is amended to read:

10 (b) Subject to the requirements of this section, and except as otherwise limited
11 or prohibited by other provision of law or court rule, criminal justice information

12 (1) may be provided to a person when, and only to the extent,
13 necessary to avoid imminent danger to life or extensive damage to property;

14 (2) may be provided to a person to the extent required by applicable

1 court rules or under an order of a court of this state, another state, or the United States;

2 (3) may be provided to a person if the information is commonly or
3 traditionally provided by criminal justice agencies in order to identify, locate, or
4 apprehend fugitives or wanted persons or to recover stolen property, or for public
5 reporting of recent arrests, charges, and other criminal justice activity;

6 (4) may be provided to a criminal justice agency for a criminal justice
7 activity;

8 (5) may be provided to a government agency when necessary for
9 enforcement of or for a purpose specifically authorized by state or federal law;

10 (6) may be provided to a person specifically authorized by a state or
11 federal law to receive that information;

12 (7) in aggregate form may be released to a qualified person, as
13 determined by the agency, for criminal justice research, subject to written conditions
14 that assure the security of the information and the privacy of individuals to whom the
15 information relates;

16 (8) may be provided to a person for any purpose, except that
17 information may not be released if the information is nonconviction information, [OR]
18 correctional treatment information, **or criminal justice information as described in**
19 **(f) of this section**;

20 (9) including information relating to a serious offense, may be
21 provided to an interested person if the information is requested for the purpose of
22 determining whether to grant a person supervisory or disciplinary power over a minor
23 or dependent adult; and

24 (10) may be provided to the person who is the subject of the
25 information.

26 * **Sec. 3.** AS 12.62.160 is amended by adding a new subsection to read:

27 (f) An agency may not release criminal justice information of a criminal case
28 in which the defendant

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

1 (2) was 21 years of age or older at the time of commission of the
2 offense;

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

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

5 * **Sec. 4.** AS 22.35 is amended by adding a new section to read:

6 **Sec. 22.35.040. Records concerning criminal cases for marijuana**
7 **possession.** (a) The Alaska Court System may not publish on a publicly available
8 Internet website the court records of a criminal case in which 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;

12 (2) was 21 years of age or older at the time of commission of the
13 offense; and

14 (3) was not convicted of any other criminal charges in that case.

15 (b) The Alaska Court System shall post a general notice on its publicly
16 available Internet website that

17 (1) court records under (a) of this section have been removed from the
18 publicly available Internet website; and

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

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

23 **PRIOR COURT RECORDS.** The Alaska Court System shall, to the extent practicable,
24 remove court records existing before the effective date of this Act that meet the requirements
25 of AS 22.35.040(a), enacted by sec. 4 of this Act, from the court system's publicly available
26 Internet website.

27 * **Sec. 6.** This Act takes effect January 1, 2024.