

**HB**

**316**

<TARGET><BILL>HB 316</BILL><SUBJECT>HB  
316</SUBJECT><COMM>HJUD30</COMM></TARGET>

30-LS1017/O  
Martin  
2/8/18

**CS FOR HOUSE BILL NO. 316( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**THIRTIETH LEGISLATURE - SECOND SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): REPRESENTATIVES DRUMMOND, Spohnholz, Tarr**

**A BILL**  
**FOR AN ACT ENTITLED**

1 **"An Act relating to the release of certain records of convictions; relating to public**  
2 **records; amending Rule 37.5, Alaska Rules of Administration; and providing for an**  
3 **effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 **\* Section 1.** AS 12.62.160 is amended by adding a new subsection to read:

6 (f) Notwithstanding (b)(8) of this section, an agency may not release records  
7 of a criminal case if the defendant

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

11 (2) was not convicted of any other charges in that case.

12 **\* Sec. 2.** AS 22.35 is amended by adding a new section to read:

13 **Sec. 22.35.040. Confidential court records.** The Alaska Court System shall  
14 make a court record of a criminal case confidential and limit access to that court

1 record if the defendant

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

5 (2) was not convicted of any other charges in that case.

6 \* **Sec. 3.** AS 40.25.120(a) is amended to read:

7 (a) Every person has a right to inspect a public record in the state, including  
8 public records in recorders' offices, except

9 (1) records of vital statistics and adoption proceedings, which shall be  
10 treated in the manner required by AS 18.50;

11 (2) records pertaining to juveniles unless disclosure is authorized by  
12 law;

13 (3) medical and related public health records;

14 (4) records required to be kept confidential by a federal law or  
15 regulation or by state law;

16 (5) to the extent the records are required to be kept confidential under  
17 20 U.S.C. 1232g and the regulations adopted under 20 U.S.C. 1232g in order to secure  
18 or retain federal assistance;

19 (6) records or information compiled for law enforcement purposes, but  
20 only to the extent that the production of the law enforcement records or information

21 (A) could reasonably be expected to interfere with enforcement  
22 proceedings;

23 (B) would deprive a person of a right to a fair trial or an  
24 impartial adjudication;

25 (C) could reasonably be expected to constitute an unwarranted  
26 invasion of the personal privacy of a suspect, defendant, victim, or witness;

27 (D) could reasonably be expected to disclose the identity of a  
28 confidential source;

29 (E) would disclose confidential techniques and procedures for  
30 law enforcement investigations or prosecutions;

31 (F) would disclose guidelines for law enforcement

1 investigations or prosecutions if the disclosure could reasonably be expected to  
2 risk circumvention of the law; or

3 (G) could reasonably be expected to endanger the life or  
4 physical safety of an individual;

5 (7) names, addresses, and other information identifying a person as a  
6 participant in the Alaska Higher Education Savings Trust under AS 14.40.802 or the  
7 advance college tuition savings program under AS 14.40.803 - 14.40.817;

8 (8) public records containing information that would disclose or might  
9 lead to the disclosure of a component in the process used to execute or adopt an  
10 electronic signature if the disclosure would or might cause the electronic signature to  
11 cease being under the sole control of the person using it;

12 (9) reports submitted under AS 05.25.030 concerning certain  
13 collisions, accidents, or other casualties involving boats;

14 (10) records or information pertaining to a plan, program, or  
15 procedures for establishing, maintaining, or restoring security in the state, or to a  
16 detailed description or evaluation of systems, facilities, or infrastructure in the state,  
17 but only to the extent that the production of the records or information

18 (A) could reasonably be expected to interfere with the  
19 implementation or enforcement of the security plan, program, or procedures;

20 (B) would disclose confidential guidelines for investigations or  
21 enforcement and the disclosure could reasonably be expected to risk  
22 circumvention of the law; or

23 (C) could reasonably be expected to endanger the life or  
24 physical safety of an individual or to present a real and substantial risk to the  
25 public health and welfare;

26 (11) the written notification regarding a proposed regulation provided  
27 under AS 24.20.105 to the Department of Law and the affected state agency and  
28 communications between the Legislative Affairs Agency, the Department of Law, and  
29 the affected state agency under AS 24.20.105;

30 (12) records that are

31 (A) proprietary, privileged, or a trade secret in accordance with

1 AS 43.90.150 or 43.90.220(e);

2 (B) applications that are received under AS 43.90 until notice is  
3 published under AS 43.90.160;

4 (13) information of the Alaska Gasline Development Corporation  
5 created under AS 31.25.010 or a subsidiary of the Alaska Gasline Development  
6 Corporation that is confidential by law or under a valid confidentiality agreement;

7 (14) information under AS 38.05.020(b)(11) that is subject to a  
8 confidentiality agreement under AS 38.05.020(b)(12);

9 (15) records relating to proceedings under AS 09.58 (Alaska Medical  
10 Assistance False Claim and Reporting Act);

11 (16) names, addresses, and other information identifying a person as a  
12 participant in the Alaska savings program for eligible individuals under AS 06.65;

13 (17) artists' submissions made in response to an inquiry or solicitation  
14 initiated by the Alaska State Council on the Arts under AS 44.27.060;

15 **(18) records of a conviction under AS 11.71.060, or a municipal**  
16 **ordinance with similar elements, for possession of less than one ounce of a**  
17 **schedule VIA controlled substance if the defendant was not convicted of any**  
18 **other charges in that case.**

19 \* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to  
20 read:

21 INDIRECT COURT RULE AMENDMENT. The provisions of AS 22.35.040,  
22 enacted by sec. 2 of this Act, have the effect of changing Rule 37.5, Alaska Rules of  
23 Administration, by limiting public access to certain case records.

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

26 CONDITIONAL EFFECT. AS 22.35.040, enacted by sec. 2 of this Act, takes effect  
27 only if sec. 4 of this Act receives the two-thirds majority vote of each house required by art.  
28 IV, sec. 15, Constitution of the State of Alaska.

29 \* **Sec. 6.** This Act takes effect 120 days after becoming law.



Representative Harriet Drummond  
Section Analysis

House Bill 316 "Record Sealing for Simple Possession"

"An Act relating to the release of certain records of convictions; relating to public records; amending Rule 37.5, Alaska Rules of Administration; and providing for an effective date"

**Sec. 1 – AS 12.62.160**

Stating that an agency may not release records of a criminal case to the public if the defendant was charged with possession of a controlled substance schedule VIA.

Schedule VIA definition: AS 11.71.190 (a) a substance shall be placed in schedule VIA if it is found under AS 11.71.120 to have the lowest degree of danger or probable danger to the person or public.

(b) marijuana is a schedule VIA controlled substance.

**Sec. 2 – AS 22.35(040)**

Is amended by adding: AS 22.35.040 Confidential court records. A court record of a criminal case is will be made confidential if defendant was convicted of VIA possession through state or local ordinance as a stand-alone charge.

**Sec. 3 – AS 40.25.120**

Every person has a right to inspect a public record in the state, including public records in recorders offices except: (18) Records of a schedule VIA possession for less than once ounce if it was a stand-alone charge.

**Sec. 4 \***

Alters indirect court rule amendment "Alaska Rules of Administration" by limiting public access to certain case records.

**Sec. 5\***

States that because of section four of this act must receive 2/3 majority vote in each house because of Article IV Sec. 15 of the Alaska State Constitution.

**Sec. 6\***

Provides effective date for 120 after bill signing.



Representative Harriet Drummond  
Sponsor Statement

*HB 316 Marijuana Expungement*

House Bill 316 is designed to seal court records and wipe Court View of the records of people who've been convicted of possession charges of schedule VIA (Six-A) marijuana misdemeanors prior to legalization in Alaska on February 24<sup>th</sup>, 2015.

The voter initiative to legalize marijuana passed in 2014 which has created a growing new industry that has generated a new pool of wealth for Alaska. However, in legalizing recreational marijuana, the voter initiative did not address expungement for marijuana crimes that people had been convicted of prior the point of legalization.

Alaskans who've been convicted should not be passed up for employment opportunities or career advances, for possessing something that is now legal. HB 316 will eliminate a barrier that has kept people from achieving their full potential of success, and open new opportunities for those who may have been limited because of their record.

To qualify for what HB 316 would affect, the possession charge would have to be a non-violent offense with possession of a schedule VIA (Six-A) controlled substance that is now legal under AS 17.38 if committed since February 24<sup>th</sup>, 2015.



## Representative Harriet Drummond Sponsor Statement

### *HB 316 Limiting Access to Marijuana Records*

House Bill 316 is designed to seal court records and make confidential online records of people who've been convicted of simple possession charges of schedule VIA (Six-A) marijuana misdemeanor.

The voter initiative to legalize marijuana passed in 2014. It created a growing new industry that has generated a new pool of wealth for Alaskans and revenue for the state. However, in legalizing recreational marijuana, the voter initiative did not address expungement of marijuana crimes that people had been convicted of prior to the date of legalization.

Alaskans who've been convicted should not be passed up for employment opportunities or career advances, for possessing something that is now legal. HB 316 will eliminate a barrier that has kept people from achieving their full potential and open new opportunities for those who may have been limited because of their record.

To qualify for what HB 316 would affect, the possession charge would have to be a non-violent, standalone offense with possession of a schedule VIA (Six-A) controlled substance that is now legal under AS 17.38. The intent of the bill is to eliminate restrictions that may be keeping Alaskans from gaining employment, find housing, qualify for schooling, or advancing in certifications.

[Post Nation](#)

## San Francisco to clear all marijuana misdemeanor convictions dating to 1975

By [Katie Zezima](#) January 31 [Email the author](#)

A marijuana plant is seen in a greenhouse in Mendocino County, Calif. (Josh Edelson/AFP/Getty Images)

District Attorney George Gascón said Wednesday that San Francisco will immediately dismiss all marijuana misdemeanor convictions dating to 1975 and will wipe arrest records clean for anyone who faced such charges. The city also plans to review all marijuana felonies recorded during the same time period and, in appropriate cases, resentence them to misdemeanor offenses.

“We want to address the wrongs that were caused by the failures of the war on drugs for many years in this country and begin to fix some of the harm that was done not only to the entire nation but specifically to communities of color,” Gascón said at a news conference Wednesday.

The decision stems from a lesser-known provision in California law that legalized recreational marijuana, language that offers a second chance to people convicted of marijuana crimes in the state. The new law allows people with misdemeanor marijuana records to have them expunged and those with felony convictions the opportunity to have them reduced, pending a review.

But it does not happen automatically: A person convicted of a marijuana crime must petition a court to have his or her record changed. At least 4,500 people have petitioned to have their convictions changed since the provision went into effect in November 2016, upon passage. But lawyers and others say that the change has not been well publicized and that the requirement to petition a court makes it difficult for low-income people to have their records changed.

*[ [Convicted of a marijuana crime in California? It might go away, thanks to legal pot.](#) ]*

That, Gascón and others in San Francisco said, is part of the reason he is automatically changing or reviewing convictions.

“There are thousands of cases that are going to be dismissed at no cost,” said San Francisco supervisor Malia Cohen.

Gascón estimates that just more than 3,000 misdemeanors will be automatically dismissed. Nearly 5,000 felonies will be reviewed and, if appropriate, resented to misdemeanors. Prosecutors can decide not to support a reduction should the person have a major felony, such as murder, on their record. Old convictions will be reclassified under the law as it reads now. For example, if someone had been convicted of possessing an ounce or less of marijuana, that conviction would be tossed out because that is now legal under California law.

The Drug Policy Alliance said there have been 500,000 arrests for marijuana offenses in California in the past 10 years, and it estimates up to a million people have reviewable convictions on their records.

[Post Nation](#)

## Cities, states work to clear marijuana convictions, calling it a states' rights issue

By [Katie Zezima](#) February 1 [Email the author](#)

A sheriff's deputy arrests a man for alleged marijuana crimes in California in September. (AP Photo/Noah Berger, File)

When California voters passed a measure in 2016 that legalized cannabis and allowed for people to have their marijuana convictions wiped away or reduced, San Diego County District Attorney Summer Stephan ordered her staff to immediately start scouring the city's criminal records to find people who qualified.

As marijuana becomes legal in more states, some are allowing people to ask to have their old marijuana convictions expunged or reduced. It is, proponents say, a way to atone a war on drugs that disproportionately affected low-income and minority communities and to ensure that the criminal records people carry are not out of sync with current laws.

It also attempts to get to the root of a complex legal question: what happens when people have a conviction on their record for a crime that is no longer illegal?

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"If you've made a legislative determination that this is no longer criminal, why would you want to continue to have people feeling the ramifications of something that people going forward will no longer have to suffer?" said Jenny Roberts, an American University law professor.

[\*\[San Francisco to clear all marijuana misdemeanor convictions dating to 1975\]\*](#)

At least nine states, including Colorado, Maryland and Oregon, have made it easier to have some marijuana charges sealed or thrown out completely. Recreational marijuana use is legal in some, but not all, of those states. Colorado last year approved a bill that allows people convicted of misdemeanor marijuana possession before Dec. 10, 2012, to petition to have their convictions sealed.

In Oregon, lawmakers stated that judges must take the current law -- which says that possessing and selling marijuana is legal -- into account when they consider whether or not to change a person's criminal record. In Maryland, people convicted of marijuana possession can petition a court for expungment.

"It really makes sense to not burden these people with a lifelong criminal record," said Kate Bell, a lobbyist for the Marijuana Policy Project in Maryland.

In most places, people must specifically request to have their records expunged, a process that can be costly and time-consuming. Though the laws largely aimed to help low-income people, there is concern that the petitioning process makes it more difficult, and therefore less likely, that they will move to have their records changed.

On Wednesday, San Francisco District Attorney George Gascón announced that his office will clear all marijuana misdemeanor convictions dating to 1975 and review all felony convictions to see if they are eligible for a reduction.

“California voters have clearly sent a message,” he said. “The war on drugs has been a failure, and more specifically, the war on marijuana has been a failure.”

Gascón said he is concerned about how U.S. Attorney General Jeff Sessions is handling federal marijuana policy. Sessions last month rescinded Obama-era guidance that eased the federal enforcement of marijuana.

“It’s really a question of states’ rights,” Gascón said. “I’m very disturbed and concerned about the national trend ... when you have the attorney general making marijuana a potential threat against our communities. Any middle school kid will tell you that’s a complete joke.”

A spokesman for Sessions declined comment Thursday.

Gascón said he made the decision to automatically clear records so people “will not have to jump through hoops to get relief.” He estimates that about 3,000 people will be eligible to have their convictions vacated and about 5,000 will be eligible to have their cases reviewed for possible reduction.

Prosecutors can decide not to support a reduction should a person have a major felony, such as murder, on their record. Old convictions will be reclassified under the law as it reads now. For example, if someone had been convicted of possessing an ounce or less of marijuana, that conviction would be tossed out because that is now legal under California law.

California Assemblyman Rob Bonta (D-Oakland) introduced a bill that would require automatic expungement of records.

“The role of government should be to ease burdens and expedite the operation of law — not create unneeded obstacles, barriers and delay,” Bonta said in a statement. “These individuals are legally entitled to expungement or reduction and a fresh start. It should be implemented without unnecessary delay or burden.”

Nevada assemblyman William McCurdy (D) introduced a bill that would allow people convicted of possessing less than an ounce of marijuana to have their records wiped clean; it was vetoed by Gov. Brian Sandoval (R). McCurdy said he would like to reintroduce the legislation in the state, where marijuana is now legal.

“I’ve always been under the belief that if you made a mistake in the past and the law has changed, you should definitely benefit from the changing of that law,” he said. “There’s a lot of folks who are sitting behind bars for less than an ounce of marijuana, and that’s troubling.”

In San Diego, Stephan ordered attorneys to look at cases shortly after voters passed the ballot initiative in November 2016, when the expungement provisions took effect. Prosecutors first looked at people in prison, then at those who were recently convicted, recommending their cases to public defenders.

They worked “backward, with the idea that persons that received their convictions more recently might be directly impacted in terms of their ability to look for jobs or have informal probation, housing benefits, military, other things,” she said.

About 680 people have had their convictions lessened, 55 of whom are currently behind bars, Stephan said. She believes there are about 5,000 people who are eligible to have their convictions changed.

“Our hope is that they will take advantage of it and use it to reintegrate and enter society without the burden of having a felony conviction,” she said.

Most of the sentencing laws are tied to the legalization of marijuana, something that Kevin Sabet, the founder of Smart Approaches to Marijuana, which opposes legalization, said shouldn’t be the case.

“People deserve a second chance, and we shouldn’t penalize people for past convictions, but it shouldn’t take having to legalize -- and commercialize -- marijuana for that to happen,” he said. “This a false choice between legalization and criminalization.”

Mark A.R. Kleiman, a professor of public policy at New York University, said the logic of such laws is complex.

“On the one hand, we’ve decided that doing X is no longer against the law, why are we still punishing people for still doing X?,” he said. “And one answer is, ‘We didn’t let Al Capone out of prison until after prohibition.’”

But, Kleiman said that he thinks California and other states are making the correct decisions.

“I think Gascón is absolutely right to get rid of as many of these convictions as possible, especially if it’s the sole conviction,” he said. “It’s very expensive over a lifetime.”

# LEGISLATIVE RESEARCH SERVICES

30<sup>th</sup> Alaska Legislature  
LRS Report 18.066  
December 22, 2017



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## Conviction Data for Marijuana Possession in Alaska, 2007-2017

Susan Haymes, Manager

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***How many people in Alaska were convicted for possession of less than one ounce of marijuana in the ten years before recreational marijuana was legalized in Alaska?***

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In 2014, Alaska became the third state to legalize recreational marijuana.<sup>1</sup> Ballot Measure 2 allows Alaskans aged 21 years and older to possess up to an ounce of cannabis and grow up to six plants in their homes, with three flowering at one time. Public consumption of marijuana continues to be illegal. In 2015, the Legislature established the Marijuana Control Board to regulate the new industry.

The Alaska Court system tracks cases by the statute under which defendants are convicted. For the purposes of this report, the Court System was able to provide, for the years 2007 through 2017, a count of cases in which defendants had one or more convictions only under the relevant statute that codifies possession of less than one ounce of a schedule VIA substance (marijuana) as misconduct involving a controlled substance in the sixth degree.<sup>2</sup> In other words, the number of cases reflects defendants who only had a conviction under AS 11.71.060(a)(2) or AS 11.71.060(a)(2)(A), but no other offenses. For the time frame beginning January 1, 2007, through June 30, 2011, this statute was AS 11.71.060(a)(2), and for the period beginning July 1, 2011, through December 20, 2017, the controlling statute was, and still is, AS 11.71.060(a)(2)(A).

Nancy Meade, General Counsel, Alaska Court System emphasized that these numbers should be considered “ballpark” rather than wholly accurate. She stressed that this search query does not include cases where the charge was not filed under one of the specific subsection of AS 11.71.060 noted above. For example, relevant cases could have been charged under AS 11.71.060 or AS 11.71.060(a).

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<sup>1</sup> The law became effective in February 2015. Prior to the passage of Ballot Measure 2, the possession and personal use of relatively small amounts of marijuana was permitted as the result of court decisions based on the privacy clause of the Alaska State Constitution. Beyond this judicial construct, Alaska law permitted marijuana use only for medicinal purposes (AS 17.37).

<sup>2</sup> In Alaska, marijuana is considered a “schedule VIA controlled substance,” which includes those controlled substances deemed “to have the lowest degree of danger or probable danger to a person or the public” (AS 11.71.190). Marijuana remains illegal under federal law, where it is still classified as a Schedule 1 substance under the Controlled Substances Act, where Schedule 1 substances are considered to have a high potential for dependency and no accepted medical use.

*(footnote continued)*

Additionally, because convictions are tracked by statute number, it is unknown what specific conduct was actually at issue in a particular case.<sup>3</sup>

A further limitation to the data is that 2012 was the first year that all courts in the state were entering case information on the court system's data tracking structure, known as CourtView. Thus, for the years before 2012, the number of convictions identified does not include cases from some of the smaller courts.

<b>Number of Cases in Alaska with Convictions for Possession of Less Than One Ounce of Marijuana, 2007-2017</b>		
<b>Year</b>	<b>Description of Charge for the Conviction</b>	<b>Cases</b>
2007	AS 11.71.060(a)(2): Cntrl'd Subs 6 - Possess <1 oz VIA	26
2008	AS 11.71.060(a)(2): Cntrl'd Subs 6 - Possess <1 oz VIA	41
2009	AS 11.71.060(a)(2): Cntrl'd Subs 6 - Possess <1 oz VIA	73
2010	AS 11.71.060(a)(2): Cntrl'd Subs 6 - Possess <1 oz VIA	91
2011	AS 11.71.060(a)(2)(A): Cntrl'd Subs 6 - Possess <1 oz VIA	97
2012	AS 11.71.060(a)(2)(A): Cntrl'd Subs 6 - Possess <1 oz VIA	112
2013	AS 11.71.060(a)(2)(A): Cntrl'd Subs 6 - Possess <1 oz VIA	145
2014	AS 11.71.060(a)(2)(A): Cntrl'd Subs 6 - Possess <1 oz VIA	111
2015	AS 11.71.060(a)(2)(A): Cntrl'd Subs 6 - Possess <1 oz VIA	17
2016	AS 11.71.060(a)(2)(A): Cntrl'd Subs 6 - Possess <1 oz VIA AS 11.71.060(a)(2)(A): MICS5 Possess <1 oz VIA	6
2017	AS 11.71.060(a)(2)(A): MICS5 Possess <1 oz VIA	2
<p><b>Notes:</b> The number of cases reflect only those cases with one or more convictions under the relevant statute that codifies possession of less than one ounce of marijuana as misconduct involving a controlled substance. The number of cases should be considered a "ballpark" figure.</p> <p><b>Source:</b> Nancy Meade, General Counsel, Alaska Court System, 907-264-8264.</p>		

We hope this is helpful. If you have questions or need additional information, please let us know.

<sup>3</sup> Ms. Meade can be reached at 907.264.8264 or by email at [NMeade@akcourts.us](mailto:NMeade@akcourts.us).

# Fiscal Note

State of Alaska  
2018 Legislative Session

Bill Version: HB 316  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB316-DPS-CJISP-02-03-18  
Title: RESTRICT ACCESS MARIJUANA CRIME  
RECORDS  
Sponsor: DRUMMOND  
Requester: (H) JUD

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)

	FY2019	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2019 Request	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
<b>OPERATING EXPENDITURES</b>	<b>FY 2019</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
Personal Services	92.9		92.9	92.9	92.9	92.9	92.9
Travel							
Services	3.0		3.0	3.0	3.0	3.0	3.0
Commodities	5.0		0.5	0.5	0.5	0.5	0.5
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>100.9</b>	<b>0.0</b>	<b>96.4</b>	<b>96.4</b>	<b>96.4</b>	<b>96.4</b>	<b>96.4</b>

**Fund Source (Operating Only)**

1004 Gen Fund (UGF)	100.9		96.4	96.4	96.4	96.4	96.4
<b>Total</b>	<b>100.9</b>	<b>0.0</b>	<b>96.4</b>	<b>96.4</b>	<b>96.4</b>	<b>96.4</b>	<b>96.4</b>

**Positions**

Full-time	1.0		1.0	1.0	1.0	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 (FY2018) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2019) 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/comments:**

Not applicable, initial version.

Prepared By:	Kelly Howell, Administrative Services Director	Phone:	(907)465-4336
Division:	Administrative Services	Date:	02/03/2018 08:30 AM
Approved By:	Walt Monegan, Commissioner	Date:	02/03/18
Agency:	Public Safety		

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2018 LEGISLATIVE SESSION

BILL NO. HB 316

### Analysis

This bill amends AS 12.62.180 dealing with sealing of criminal justice information by adding a new subsection that would allow a person convicted of possession of marijuana in Alaska before February 25, 2015, to request their information related to that offense be sealed provided the offense would otherwise have been legal under AS 17.38 if committed on or after February 25, 2015.

The Department of Public Safety (DPS) Criminal Justice Information Systems (CJIS) Program unit is responsible for operating and maintaining the state's central repository of criminal history record information, and to collect, store, and release criminal justice information as provided under AS 12.62. This unit is also responsible for receiving and reviewing requests to seal criminal justice information and forwarding the requests to the Commissioner of DPS for a determination.

Passage of this bill could result in the submission of thousands of requests requiring manual review and research by the CJIS Program unit staff in order to determine whether the specific offense the person was convicted of would have been legal under AS 17.38 if committed on or after February 25, 2015.

Based on this assumption, an additional Criminal Justice Specialist position would be needed to efficiently manage the significant amount of additional work. The annual cost of a Criminal Justice Specialist including salary and benefits is \$92,944. Additional costs associated with this position, including supplies and contractual costs, are estimated at \$8,000 for the first year and \$3,500 annually in subsequent years.

# Fiscal Note

State of Alaska  
2018 Legislative Session

Bill Version: HB 316  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB316-JUD-ACS-02-13-18  
Title: RESTRICT ACCESS MARIJUANA CRIME  
RECORDS  
Sponsor: DRUMMOND  
Requester: House Judiciary Committee

Department: Judiciary  
Appropriation: Alaska Court System  
Allocation: Trial Courts  
OMB Component Number: 768

### Expenditures/Revenues

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

	FY2019 Appropriation Requested	Included in Governor's FY2019 Request	Out-Year Cost Estimates					
			FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</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>	<b>0.0</b>

### Fund Source (Operating Only)

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>	<b>0.0</b>

### Positions

Full-time								
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>	<b>0.0</b>

**Estimated SUPPLEMENTAL (FY2018) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2019) 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/comments:

Initial version.

Prepared By:	Nancy Meade, General Counsel	Phone:	(907)463-4736
Division:	Alaska Court System	Date:	02/13/2018 04:00 PM
Approved By:	Nancy Meade for Christine Johnson, Administrative Director	Date:	02/13/18
Agency:	Alaska Court System		

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2018 LEGISLATIVE SESSION

BILL NO. HB 316

**Analysis**

House Bill 316 would require certain criminal cases to be made unavailable to the public. Section 2 is the only bill section that would impact the court system. That section specifies that if a defendant was convicted under AS 11.71.060 for possession of less than one ounce of a schedule VI A controlled substance (marijuana), and if that person was not convicted of any other charge in the same case, then the court will make that case file confidential.

The effect of making court case files confidential is that confidential cases do not appear on the public version of CourtView (cases searchable via the court's website), and members of the public may not access that case file at a court facility.

The court system can remove these cases from the public version of CourtView, and can disallow public access to the paper files, without fiscal impact. Doing so will require some staff time for administrators to revise the CourtView parameters and electronically designate the files as confidential, but we are able to absorb that task in the normal course of business.

The court system therefore submits this zero fiscal note.

AMENDMENT

#1 Adopted

OFFERED IN THE HOUSE

TO: CSHB 316( ), Draft Version "O"

1 Page 1, line 10:

2 Delete "and"

3

4 Page 1, following line 10:

5 Insert a new paragraph to read:

6 "(2) was 21 years of age or older at the time of commission of the  
7 offense; and"

8

9 Renumber the following paragraph accordingly.

10

11 Page 2, line 4:

12 Delete "and"

13

14 Page 2, following line 4:

15 Insert a new paragraph to read:

16 "(2) was 21 years of age or older at the time of commission of the  
17 offense; and"

18

19 Renumber the following paragraph accordingly.

20

21 Page 4, line 17, following "was":

22 Insert "21 years of age or older at the time of commission of the offense and was"