SENATE BILL NO. 8

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY SENATOR BEGICH

Introduced: 1/16/19
Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

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

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

* Section 1. The uncodified law of the State of Alaska is amended by adding a new section to read:

LEGISLATIVE INTENT. It is the intent of the legislature to reduce barriers to employment for people who have been convicted of low-level marijuana possession crimes that would be legal under today's laws. By protecting records of certain low-level crimes from a criminal history background check, it is the legislature's intent to make it more likely that people convicted of only low-level crimes will become contributing members of society.

* Sec. 2. AS 12.62.160 is amended by adding a new subsection to read:

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

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

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

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

* Sec. 3. AS 22.35 is amended by adding a new section to read:

   Sec. 22.35.040. Confidential court records. The Alaska Court System shall
make a court record of a criminal case confidential and limit access to that court
record if the defendant

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

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

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

   INDIRECT COURT RULE AMENDMENT. The provisions of AS 22.35.040,
enacted by sec. 3 of this Act, have the effect of changing Rule 37.6, Alaska Rules of
Administration, by providing that certain case records are confidential and limiting access to
those case records.

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

   CONDITIONAL EFFECT. AS 22.35.040, enacted by sec. 3 of this Act, takes effect
only if sec. 4 of this Act receives the two-thirds majority vote of each house required by art.
IV, sec. 15, Constitution of the State of Alaska.

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