

ALASKA

Collateral Punishments for Marijuana Offenses

COLLATERAL PUNISHMENTS THAT HINDER FAMILY LIFE

Eligibility to Adopt a Child, or to Become a Foster Parent

A misdemeanor marijuana conviction has no effect on eligibility for adoption and foster parenting. A felony marijuana conviction by a parent, or any adult member of the household, bars adoption or foster parenting for an indefinite time. Alaska Stat. §12.62.900(23) (2006).

Eligibility for Public Housing

A marijuana *arrest* (even if not leading to conviction) can be considered when applying for state public housing assistance. A marijuana *conviction* results in a three-year ineligibility, which may be shortened by presenting evidence of rehabilitation. LEGAL ACTION CENTER, AFTER PRISON: ROADBLOCKS TO REENTRY at <http://www.lac.org/lac/index.php>.

Eligibility for Food Stamps and other Public Assistance

Alaska has adopted the federal lifetime ban for any felony drug conviction. Alaska Stat. §§ 47.05.040, 47.25.590 (2006).

COLLATERAL PUNISHMENTS THAT HINDER PROFESSIONAL SUCCESS

Employment and Professional Licensing

Felony marijuana convictions remain on one's criminal record indefinitely. Misdemeanor marijuana convictions remain on one's record for 10 years. Public and private employers can access these and are not prohibited from discriminating based on them. Alaska Stat. § 12.62.900(18), (19), (23)(2006); Alaska Admin. Code tit. 13, §§ 68.310(a), (b), 68.315(a), (b) and 68.320(a), (d), and (e) (2006). There appears to be no law prohibiting employers from considering arrests.

No law specifically prohibits occupational licensing boards from considering any conviction as a basis for license denial. MARGARET COLGATE LOVE, RELIEF FROM THE COLLATERAL CONSEQUENCES OF A CRIMINAL CONVICTION: A STATE-BY-STATE RESOURCE GUIDE: ALASKA, at <http://www.sentencingproject.org/pdfs/rights-restoration/Alaska.pdf> (last modified October 12, 2005). However, for denial of a medical or nursing license, the conviction must be "substantially related" to functions and duties of licensee. Alaska Stat. § 08.68.270 (2006).

Eligibility for Educational Loans

Alaska Commission on Postsecondary Education follows the federal guidelines, thus any marijuana conviction results in ineligibility for state financial aid in addition to loss of aid under federal Higher Education Act. CHRIS MULLIGAN ET AL., FALLING THROUGH THE CRACKS: LOSS OF STATE-BASED FINANCIAL AID ELIGIBILITY FOR STUDENTS AFFECTED BY THE FEDERAL HIGHER EDUCATION ACT DRUG PROVISION 4 (Coalition for Higher Educ. Reform 2006), at <http://www.raiseyourvoice.com/statereport/fallingthrough.pdf> (last modified February 7, 2006).

Driver's License

According to the Legal Action Center, Alaska has opted out of the federal provision that requires a six-month driver's license suspension for any drug conviction. LEGAL ACTION CENTER, AFTER PRISON: ROADBLOCKS TO REENTRY at <http://www.lac.org/lac/index.php>. We did not locate any alternative state provision that imposes such a ban.

COLLATERAL PUNISHMENTS THAT HINDER CIVIC PARTICIPATION**Right to Vote**

A felony conviction involving "moral turpitude" bars voting in any election while incarcerated, or until discharged from probation or parole. Alaska Stat. § 15.05.030 (2006). Marijuana felony offenses are included in the list of "moral turpitude" felonies. Alaska Stat. § 15.60.010(8) (2006).

Right to Sit on a Jury

A person is disqualified from serving as a juror if the person has been convicted of a marijuana felony for which the person has not been unconditionally discharged. Alaska Stat. § 09.20.020 (2006). "Unconditional discharge" means that a defendant is released from all disability arising under a sentence, including probation and parole. Alaska Stat. § 12.55.185 (2006).

Right to Possess a Firearm

A felony marijuana conviction results in a 10-year bar from possessing, or living in any household that contains, a concealed weapon or a weapon capable of being concealed. Alaska Stat. § 11.61.200 (2006).

NOTES

Alaska law with regard to personal possession of marijuana is currently in flux. The Alaska courts have held that the state constitution's right to privacy protects some personal noncommercial in-home possession of marijuana. *Ravin. v. State*, 537 P.2d 494 (Alaska 1975), *Noy v. State*, 83 P.3d 538 (Alaska Ct. App. 2003). But, the exact contours of the protection are the subject of ongoing litigation surrounding HB 149, a bill (signed into law in June 2006), that re-criminalizes personal possession of marijuana.