I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

[Signature of Camera Operator]

[Date]

[Seal of the State of Alaska]
May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files. Jeanie Henry

House Judiciary 3/26/85 1:30 pm
3/6/86 1:30 pm
Mr. Speaker:

The Committee on __JUDICIARY__ has had __HB 194__

"An Act relating to sentencing for certain offenses involving discriminatory harassment."

under consideration and reports it back as follows:

[ ] do pass  [ ] do not pass

[ ] do pass with attached amendment(s)

[ ] replace with CS for __HB 194 (JUD)__ [ ] same title

and recommends ____________________________

[ ] AND attaches a "Letter of Intent"  [ ] New Fiscal Note

[ ] reports it back without recommendation  [ ] Zero Fiscal Note Attached

[ ] referred to the ____________________________ Committee

MEMBERS SIGNING DO PASS

__________________________
 _________________________
 _________________________
 _________________________
 _________________________

MEMBERS HAVING OTHER RECOMMENDATIONS:

__________________________
 _________________________
 _________________________
 _________________________
 _________________________

CHAIRMAN
MEMORANDUM

TO: House Judiciary Committee
FROM: Nancy Grczek
DATE: March 5, 1986
SUBJECT: CS HB 194

Aide to Representative Don Clocksin

Don asked me to circulate the attached copy of CS to HB 194 which he will propose to the committee tomorrow, March 6, 1986.

Attachment
IN THE HOUSE

BY THE JUDICIARY COMMITTEE

CS FOR HOUSE BILL NO. 194 (Judiciary)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to a cause of action and sentencing for certain offenses involving discriminatory harassment."

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

* Section 1. AS 09.55 is amended by adding a new section to read:

  ARTICLE 8. DISCRIMINATORY HARASSMENT.

  Sec. 09.55.650. DISCRIMINATORY HARASSMENT ACTION. (a) A person may maintain an action for discriminatory harassment against another person, or against the parent or legal guardian of a minor, who has caused physical injury to the person or damage to the property of the person, with the intent to intimidate or harass the person because of the person's sex, sexual orientation, race, color, religion, national origin, or physical or mental disability.

  (b) Actual and punitive damages may be awarded to a prevailing plaintiff in an action brought under this section. An award of damages against the parent or legal guardian of a minor under this section must be predicated upon conduct of the parent or legal guardian that is at least negligent. An award of damages under this section does not preclude a person from seeking other remedies available under law.

* Sec. 2. AS 12.55.155(c)(22) is amended to read:

  (22) the defendant knowingly directed the conduct constituting the offense at a victim because of that person's race, sex, sexual orientation, color, creed, ancestry, religion, [OR] national origin;

CSHE 194(Jud)
IN THE HOUSE

CS FOR HOUSE BILL NO. 194 (Judiciary)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

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origin;
STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST  
Bill/Resolution No.: CSHR 194(FIN)  
Title: "An Act relating to a cause of action and certain offenses involving discriminatory harassment."  
Sponsor: Judiciary  
Requestor: House Judiciary  
Date of Request: 4/2/86

FISCAL DETAIL  
Revision Date: 
Agency Affected: Public Safety  
BRU:  
Components: 

EXPENDITURES/REVENUES: (Thousands of Dollars)

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CAPITAL

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FUNDING: (Thousands of Dollars)

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ANALYSIS: Attach a separate page if necessary

Prepared by: Francis C. Allan  
Division: Alaska State Troopers  
Phone: 269-5691  
Date: 4/2/86

Approved by Commissioner:  
Agency: Public Safety  
Date: 4/3/86

Distribution (by Agency preparing fiscal note):
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

Page 1 of 1  
10/25/85
CSHB 194(FIN) - "An Act relating to a cause of action and sentencing for certain offenses involving discriminatory harassment."

Our interpretation of the intent of this legislation is that it is an attempt to curb discriminatory harassment by making it a felony crime.

No additional enforcement activity is anticipated, but the Division supports the legislation as an effective tool in fighting these types of crimes.
STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST
Bill/Resolution No.: HB 194
Title: "An Act relating to sentencing for certain offenses involving discriminatory harassment."
Sponsor: Rules/Governor
Requestor: House Judiciary
Date of Request: 3/6/86

FISCAL DETAIL
Agency Affected: Public Safety
BRU: Alaska State Troopers
Components:

EXPENDITURES/REVENUES: (Thousands of Dollars)

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FUNDING: (Thousands of Dollars)

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| TOTAL         | 0     | 0     | 0     | 0     | 0     | 0     |

POSITIONS:

FULL-TIME

PART-TIME

TEMPORARY

ANALYSIS: Attach a separate page if necessary

Prepared by: Kathy Niles, Admin. Assistant
Division: Commissioner's Office
Phone: 465-4336
Date: 3/6/86

Approved by Commissioner: (Signature)
Agency: Public Safety
Date: 3/6/86

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

page ___ of ___

10/25/85
DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER

Support

March 5, 1985

HB194 - "An Act relating to sentencing for certain offenses involving discriminatory harassment."

Our interpretation of the intent of this legislation is that it is an attempt to curb discriminatory harassment by making it a felony crime.

No additional enforcement activity is anticipated, but the Division supports the legislation as an effective tool in fighting these types of crimes.

[Signature]
Robert J. Sundberg
Commissioner
STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE  

REQUEST  
Bill/Resolution No.: HB 194  
Title: Discriminatory Harassment  
Sponsor: Rules/Governor  
Requestor: Governor  
Date of Request: Feb. 5, 1985  

FISCAL DETAIL  
Agency Affected: Office of the Governor  
Program Category Affected: Due Process  
BRU, Program or Subprogram(s) Affected: Human Rights Commission  

EXPENDITURES/REVENUES: (Thousands of Dollars)  

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ANALYSIS: Attach a separate page if necessary  

Prepared By: Michael A. Nizich, Director  
Division: Administrative Services  
Phone: 465-3544  
Date: 2/7/85  

Approved by Commissioner: Laura Dickinson  
Agency: Office of the Governor  
Date: 2/5/85  

Distribution (by Agency preparing fiscal note):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)  
7/1/84
Representative Mike Miller  
Chairman, House Judiciary Committee 
Pouch V  
Juneau, AK. 99811

Dear Representative Miller,

The Alaska Association of Chief's of Police at its annual meeting in March of 1985 endorsed the passage of House Bill 184. While this legislation would be somewhat limited in its application, it would be effective in dealing with major criminal enterprises.

We believe that the passage of this piece of legislation, in combination with passage of general conspiracy statute, would greatly enhance the enforcement and prosecutorial resources available to address criminal enterprises.

We request your support, and that of your committee, to accomplish this goal.

Sincerely,

Chief Richard A. Ross  
Kenai Police Dept.  
President Alaska Chief's of Police

RAR/mp
REQUEST
Bill/Resolution No.: HB 194
Title: Discriminatory Harassment
Sponsor: Rules/Governor
Requestor: Governor
Date of Request: Feb. 5, 1985

FISCAL DETAIL
Agency Affected: Office of the Governor
Program Category Affected:
Due Process
BRU, Program or Subprogram(s) Affected:
Human Rights Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

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ANALYSIS: Attach a separate page if necessary

Prepared By: Michael A. Nizich, Director
Division: Administrative Services
Phone: 465-3544
Date: 2/5/85

Approved by Commissioner: Laura D. Arman
Agency: Office of the Governor
Date: 2/5/85

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
7/1/84
Impacted Agency(ies)
March 6, 1986

The Honorable M. Mike Miller  
Chairman,  
House Judiciary Committee  
P.O. Box V  
Juneau, AK 99811

Re: CS for House Bill 194 (Judiciary)

Dear Representative Miller:

I have received and reviewed the proposed committee substitute for the original bill introduced at the request of the Commission by Governor Sheffield prohibiting certain offenses involving discriminatory harassment, HB 194.

This bill is the result of substantial effort on the part of the Human Rights Commission, the Anchorage Equal Rights Commission and members of a Task Force assembled by state and local commissions over the past two and one half years. This Task Force collected and studied incidents of discriminatory harassment in the state and determined that there was a need for legislation to deal with this problem.

The Alaska Human Rights Commission has advocated for legislation prohibiting acts of discriminatory harassment since 1981. HB 194 represents our third attempt at passage of such legislation. It appears that while all have agreed that this legislation is desirable, considerable debate has taken place about the technical approaches to incorporating the provisions of the criminal section of the bill into the existing criminal code. Most recently, members of your committee have raised concerns about the section of HB 194 which provided for escalation of sentences for criminal acts already punishable by presumptive sentencing. Within the Native community, we have heard serious objections voiced about the impact of presumptive sentencing on Alaska Natives. We are also sensitive to the problem of the increasing numbers of inmates in the correctional institutions and the enormous burden this places on the state. For these reasons we have been amenable to amending HB 194.

Quite simply, there is considerable frustration at this point in moving forward toward our goal of protecting Alaskans from acts of discriminatory harassment by passage of legislation which recognizes the special character of acts motivated by bigotry and prejudice.
Nonetheless, the Commission supports the proposed judiciary committee substitute with the following comments:

First, we note that the protections in the committee substitute have been expanded to include sexual orientation. Since this protection was not included in HB 194 as originally proposed, the Commission has not considered this question. Eight years ago, the Alaska Human Rights Commission passed a motion endorsing the addition of "sexual preference" as a protected class to the agency's enabling legislation.

Second, we note that the requirement for the informational copy to the Commission of complaints filed under the remaining civil section has been deleted. The Commission feels strongly about this reporting requirement and urges its inclusion in the substitute bill.

Nationally, reporting provisions for this type of activity are deemed a critical factor in opposing the spread of racial and religious violence. The Alaska Commission and the Discriminatory Harassment Task Force have pledged to monitor incidents of discriminatory harassment in Alaska. The Commission's receipt of informational copies of court actions filed under the proposed committee substitute are essential to our objective. AS 18.80.060(5) gives the Commission the duty "to foster through community effort or goodwill, cooperation and conciliation among the groups and elements of the population of the state". The Commission and the Task Force will work together to develop educational programs based on the information collected as a result of this legislation.

Finally, the Commission hopes that passage of CS HB 194 (Judiciary) will create an awareness in the Legislature and throughout Alaska of a continuing need for even more comprehensive legislation on this subject. The Human Rights Commission, sadly enough, believes that we must increase our vigilance and redouble our efforts to combat the spread of bigotry and racism in Alaska.

Sincerely,

Janet L. Bradley
Executive Director
Representative Mike Miller  
Chairman, House Judiciary Committee  
Pouch V  
Juneau, AK. 99811

Dear Representative Miller,

The Alaska Association of Chief's of Police at its annual meeting in March of 1985 endorsed the passage of House Bill 184. While this legislation would be somewhat limited in its application, it would be effective in dealing with major criminal enterprises.

We believe that the passage of this piece of legislation, in combination with passage of general conspiracy statute, would greatly enhance the enforcement and prosecutorial resources available to address criminal enterprises.

We request your support, and that of your committee, to accomplish this goal.

Sincerely,

Chief Richard A. Ross  
Kenai Police Dept.  
President Alaska Chief's of Police

RAR/mp
The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that addresses the problem of discriminatory harassment — that is, wrongful acts committed with the intent to intimidate or harass another because of the race, color, religion, national origin, or physical handicap of that person.

The bill does two things: (1) it establishes a private right of action called "discriminatory harassment" under which a person can bring a civil lawsuit for the damages caused by discriminatory acts, such as the painting of a swastika on a synagogue or on a person's home; and (2) it creates new presumptive and mandatory minimum criminal sentencing provisions to be used when crimes committed are motivated by this sort of discrimination. The thrust behind this bill is to properly identify the character of harassment and violence motivated by racial bias and religious bigotry and to increase the penalties for such acts because of that motivation.

More specifically, the first section of the bill creates a statutory private right of action under which a person can sue another for physical harm or property damage caused with the intent to intimidate or harass another person because of the sex, race, color, religion, national origin, or physical handicap of that person. The court may award actual and punitive damages to a prevailing plaintiff. Creating a special civil action such as this gives specific statutory authority for such an action, rather than the broad authority of common law. It also allows for easier tracking of lawsuits involving discriminatory harassment, because an informational copy of a complaint filed under this statute, along with the answer to it, is to be served on the executive director of the Alaska State Commission for Human Rights.
In the criminal law sections (secs. 2 -- 13 of the bill), the bill creates new presumptive and mandatory minimum sentencing provisions to address sentencing of these types of crimes with dependable consistency.

Under the state criminal code (AS 11 and AS 12), criminal conduct is classified according to its seriousness, and an appropriate penalty level is attached. This bill leaves this statutory scheme intact, but establishes mandatory minimum and presumptive terms that must be imposed if the defendant committed the offense with the intent to intimidate or harass another person because of the person's race, color, religion, national origin or physical handicap. The structure and theory behind this bill is similar to legislation passed in 1983 which established comparable sentences for assaults on a peace officer. (See AS 12.55.125(c)(2), (d) and (e); AS 12.55.135(d) and (e); AS 12.55.155(c)(13) and (e)).

Under current law, a person convicted of a first offense class A felony would ordinarily face a presumptive term of five years imprisonment. If the defendant's criminal act was motivated by discriminatory intent, this bill would require the imposition of a seven-year presumptive sentence. During a presumptive term, the offender is not eligible for probation or parole.

Under current law, presumptive terms are not imposed upon a first conviction for either a class B or class C felony. This bill imposes presumptive sentences upon first offenders convicted of class B or C felonies if the act was committed with discriminatory intent. The class B felony presumptive term is two years, and the class C felony presumptive term is one year.

If a person commits a class A misdemeanor with discriminatory intent, such as assault in the fourth degree, the defendant must be sentenced to serve at least 30 days in jail. Depending upon the defendant's prior criminal record and the facts of the offense, a court may impose up to the maximum of one year in jail.

If a defendant is convicted of a class B misdemeanor that was committed with discriminatory intent, the defendant must be sentenced to serve at least 10 days in jail. Again, depending upon the defendant's prior criminal record and the facts of the offense, a court may impose up to the maximum of 90 days in jail -- except in cases where a lesser maximum sentence is established by law, such as the 10-day maximum
that can be imposed for convictions of disorderly conduct under AS 11.61.110.

Under current law it is an "aggravating factor" in sentencing if the defendant knowingly directed the conduct constituting the offense at a victim because of that person's race, sex, color, creed, ancestry, or national origin. This bill, in sec. 7, adds religion and physical handicap to that list. A presumptive term may be increased if the court finds the existence of an aggravating factor.

In practice, this aggravating factor may only be used to increase the sentence of a repeat offender, as an aggravating factor may not be considered if it is the same reason that a presumptive sentence must be imposed to begin with. Thus, a person being sentenced for a first felony offense who is facing a certain presumptive term because he committed a crime with discriminatory intent, could not also be subject to aggravation of his sentence for the same reason.

The amendments contained in sec. 5, 8, 9, and 13 are made to ensure that all provisions that deal with some aspect of presumptive sentencing refer to all of the presumptive terms found under AS 12.55.125. As the criminal code has been amended, and presumptive penalties have been added or changed, necessary conforming amendments were not always made or were not made completely. This bill cures past discrepancies, and eliminates the problem for the future, by simply substituting a general reference to "presumptive terms" in several statutes that now contain a list of specific subsections.

Finally the bill provides that the Alaska Court System keep a record of all civil actions and criminal sentencings involving discriminatory intent. In this way, the Human Rights Commission can keep track of the type and number of such incidents occurring in Alaska.

To discourage discriminatory conduct in Alaska and to treat this conduct with the severity and seriousness it deserves, I urge your prompt and favorable action on this bill.

Sincerely,

[Signature]

Bill Sheffield
Governor
# TERMS OF IMPRISONMENT AND AUTHORIZED FINES

**FIRST OFFENSES UNDER CRIMINAL CODE**

<table>
<thead>
<tr>
<th>FELONY</th>
<th>TERMS OF IMPRISONMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;A&quot; felony</td>
<td>$2\frac{1}{2} - [5-7]* - 20$</td>
</tr>
<tr>
<td>&quot;B&quot; felony</td>
<td>$0 - [2]** - 20$</td>
</tr>
<tr>
<td>&quot;C&quot; felony</td>
<td>$0 - [1]*** - 5$</td>
</tr>
</tbody>
</table>

**KEY**

Number in bracket is presumptive sentence.
Number to left is lowest mitigated sentence.
Number to right is highest aggravated sentence.

*Five year presumptive term if first offense; a seven year presumptive term applies if first A felony conviction, other than manslaughter, and defendant possessed a firearm or used dangerous instrument or caused serious physical injury during the offense or knowingly directed the conduct at a uniformed peace officer or emergency responder engaged in official duties.*

**Two year presumptive sentence applies if first B felony conviction and defendant knowingly directed the conduct at a uniformed peace officer or emergency responder engaged in official duties.*

***One year presumptive sentence applies if first C felony conviction and defendant knowingly directed the conduct at a uniformed peace officer or emergency responder engaged in official duties.*

<table>
<thead>
<tr>
<th>MISDEMEANOR</th>
<th>MAXIMUM TERM</th>
</tr>
</thead>
<tbody>
<tr>
<td>A misdemeanor</td>
<td>1 year</td>
</tr>
<tr>
<td>B misdemeanor</td>
<td>90 days</td>
</tr>
</tbody>
</table>
### MAXIMUM FINES-PERSONS

<table>
<thead>
<tr>
<th>OFFENSE</th>
<th>FINE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual assault I, misconduct involving a controlled substance, murder or kidnapping</td>
<td>$75,000</td>
</tr>
<tr>
<td>A, B, or C felony</td>
<td>$50,000</td>
</tr>
<tr>
<td>A misdemeanor</td>
<td>$5,000</td>
</tr>
<tr>
<td>B misdemeanor</td>
<td>$1,000</td>
</tr>
<tr>
<td>Violation</td>
<td>$300</td>
</tr>
</tbody>
</table>

### MAXIMUM FINES-ORGANIZATIONS

All offenses - $100,000 or 3 times pecuniary gain - whichever is greater
### CLASSIFICATION OF OFFENSES IN CRIMINAL CODE

#### UNCLASSIFIED FELONIES

<table>
<thead>
<tr>
<th>Offense</th>
<th>Statute Reference</th>
<th>Sentence Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder I</td>
<td>AS 11.41.100</td>
<td>20 - 99 years</td>
</tr>
<tr>
<td>Murder II</td>
<td>AS 11.41.110</td>
<td>5 - 99 years</td>
</tr>
<tr>
<td>Kidnapping</td>
<td>AS 11.41.300</td>
<td>5 - 99 years</td>
</tr>
<tr>
<td>Misconduct involving controlled substance I</td>
<td>AS 11.71.010</td>
<td>5 - 99 years</td>
</tr>
<tr>
<td>Sexual assault I or sexual abuse of minor I</td>
<td>AS 11.41.410 &amp; AS 11.41.434</td>
<td>8 - 30 years</td>
</tr>
<tr>
<td>First offense not involving firearms, use of dangerous instrument, or causing serious injury</td>
<td>[8] - 30 years</td>
<td></td>
</tr>
<tr>
<td>First offense involving one of the above</td>
<td>[10] - 30 years</td>
<td></td>
</tr>
</tbody>
</table>

#### CLASSIFIED FELONIES

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attempted murder I, sexual assault I, sexual assault of minor,</td>
<td>Attempted A felony</td>
<td>Attempted B felony</td>
</tr>
<tr>
<td>misconduct involving a controlled substance I, kidnapping</td>
<td>AS 11.31.100(d)(2)</td>
<td>AS 11.31.100(d)(3)</td>
</tr>
<tr>
<td>Solicitation of murder, sexual assault I, sexual assault of a</td>
<td>Solicitation of A felony</td>
<td>Solicitation of B felony</td>
</tr>
<tr>
<td>minor, misconduct involving a controlled substance II, kidnapping</td>
<td>AS 11.31.110(c)(2)</td>
<td>AS 11.31.110(c)(3)</td>
</tr>
<tr>
<td>Solicitation of murder, sexual assault I, sexual assault of a</td>
<td>Assault II</td>
<td>Criminally negligent homicide</td>
</tr>
<tr>
<td>minor, misconduct involving a controlled substance II, kidnapping</td>
<td>AS 11.41.210</td>
<td>AS 11.41.130</td>
</tr>
<tr>
<td>Solicitation of murder, sexual assault I, sexual assault of a</td>
<td>Sexual assault II</td>
<td>Custodial interference I</td>
</tr>
<tr>
<td>minor, misconduct involving a controlled substance II, kidnapping</td>
<td>AS 11.41.420</td>
<td>AS 11.41.320</td>
</tr>
<tr>
<td>A</td>
<td>B</td>
<td>C</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>----------------------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Manslaughter</td>
<td>Unlawful exploitation of a minor</td>
<td>Sexual assault III</td>
</tr>
<tr>
<td>AS 11.41.120</td>
<td>AS 11.41.455</td>
<td>AS 11.41.430</td>
</tr>
<tr>
<td>Assault I</td>
<td>Sexual abuse of minor II</td>
<td>Assault III</td>
</tr>
<tr>
<td>Robbery I</td>
<td>Robbery II</td>
<td>Sexual abuse of a minor III</td>
</tr>
<tr>
<td>AS 11.41.500</td>
<td>AS 11.41.510</td>
<td>AS 11.41.438</td>
</tr>
<tr>
<td>Arson I</td>
<td>Extortion</td>
<td>Incest</td>
</tr>
<tr>
<td>AS 11.46.400</td>
<td>AS 11.41.520</td>
<td>AS 11.41.450</td>
</tr>
<tr>
<td>Escape I</td>
<td>Theft I</td>
<td>Coercion</td>
</tr>
<tr>
<td>AS 11.56.300</td>
<td>AS 11.46.120</td>
<td>AS 11.41.530</td>
</tr>
<tr>
<td>Criminal Possession of explosives</td>
<td>Issuing a bad checks, $25,000 or more</td>
<td>Theft II</td>
</tr>
<tr>
<td>with intent to commit murder or</td>
<td>AS 11.46.280(d)(1)</td>
<td>AS 11.46.130</td>
</tr>
<tr>
<td>kidnapping</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AS 11.61.240(b)(1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Promoting person under 16 to</td>
<td>Burglary I</td>
<td>Concealment of merchandise, $500 or</td>
</tr>
<tr>
<td>engage in prostitution</td>
<td>AS 11.46.300</td>
<td>more</td>
</tr>
<tr>
<td>AS 11.66.110(a)(2)</td>
<td></td>
<td>AS 11.46.220(c)(1)</td>
</tr>
<tr>
<td>Misconduct involving controlled</td>
<td>Arson II</td>
<td>Removal of identification marks, $500</td>
</tr>
<tr>
<td>substance II</td>
<td>AS 11.46.410</td>
<td>or more</td>
</tr>
<tr>
<td>AS 11.71.020</td>
<td>Criminal mischief I</td>
<td>AS 11.46.260(b)(1)</td>
</tr>
<tr>
<td></td>
<td>AS 11.46.480</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Forgery I</td>
<td>Unlawful possession (of altered</td>
</tr>
<tr>
<td></td>
<td>AS 11.46.500</td>
<td>property), $500 or more</td>
</tr>
<tr>
<td></td>
<td></td>
<td>AS 11.46.270(b)(1)</td>
</tr>
</tbody>
</table>
### CLASSIFIED FELONIES

<table>
<thead>
<tr>
<th>B</th>
<th>C</th>
</tr>
</thead>
</table>
| Scheme to defraud  
AS 11.46.600 | Issuing a bad check, $500 or more  
AS 11.461280(d)(2) |
| Defrauding creditors,  
$25,000 or more  
AS 11.46.730(c)(1) | Fraudulent use of a credit card, $500 or more  
AS 11.46.285(b)(1) |
| Bribery  
AS 11.56.100 | Obtaining a credit card by fraudulent means  
AS 11.46.290 |
| Receiving a bribe  
AS 11.56.110 | Burglary II  
AS 11.46.310 |
| Perjury  
AS 11.56.200 | Criminal Mischief II  
AS 11.46.482 |
| Escape II  
AS 11.56.310 | Forgery  
AS 11.46.505 |
| Interference with official proceedings  
AS 11.56.510 | Criminal possession of forgery device  
AS 11.46.520 |
| Receiving a bribe by Witness or juror  
AS 11.56.520 | Criminal simulation $500 or more  
AS 11.46.530(b)(1) |
| Criminal possession of explosives with intent to commit A felony  
AS 11.61.240(b)(2) | Offering a false instrument for recording  
AS 11.46.550 |
| Promoting prostitution I  
AS 11.66.110 |  |
<p>| | |
|  |  |</p>
<table>
<thead>
<tr>
<th>Classified Felonies</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B</strong></td>
<td><strong>C</strong></td>
</tr>
</tbody>
</table>
| Misconduct involving controlled substance III  
AS 11.71.030        | Misapplication of property  
$500 or more  
AS 11.46.620        |
| Delivery of imitating controlled substance  
AS 11.73.030        | Falsifying business records  
AS 11.46.630        |
|                    | Commercial bribe receiving  
AS 11.46.660          |
|                    | Commercial bribery         
AS 11.46.670          |
|                    | Defrauding creditors,  
$500 – $25,000  
AS 11.46.730(c)(2)   |
|                    | Criminal use of computer   
AS 11.46.740          |
|                    | Endangering welfare of minor  
AS 11.51.100          |
|                    | Perjury by inconsistent statements  
AS 11.56.230          |
|                    | Escape III  
AS 11.56.320          |
|                    | Permitting an escape  
AS 11.56.370          |
|                    | Promoting contraband I     
AS 11.56.375          |
Tampering with witness I
AS 11.56.540

Jury tampering
AS 11.56.590

Misconduct by a juror
AS 11.56.600

Tampering with physical evidence
AS 11.56.610

Harming a police dog I
AS 11.56.705

Hindering prosecution I
AS 11.56.770

False Accusation
AS 11.56.805

Terroristic threatening
AS 11.56.810

Riot
AS 11.61.100

Distribution of child pornography
AS 11.61.125

Promoting an exhibition of fighting animals
AS 11.61.145(a)(1) & (2)
CLASSIFIED FELONIES

C

Misconduct involving weapons I
AS 11.61.200

Criminal possession of explosives with intent to commit B felony
AS 11.61.240(b)(3)

Unlawful furnishings of explosives
AS 11.61.250

Promoting prostitution II
AS 11.66.120

Promoting gambling I
AS 11.66.210

Possession of gambling records I
AS 11.66.230

Misconduct involving controlled substance IV
AS 11.71.040

Manufacture or delivery of imitation controlled substances
AS 11.73.010

Possession of substance with intent to manufacture imitation controlled substance
AS 11.73.020

Advertisement to promote delivery of controlled substance
AS 11.73.040
Representative Mike Miller
Chair, House Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative Miller:

I am writing with regard to HB 194, an act relating to sentencing for certain offenses involving discriminatory harassment, which is presently before the House Judiciary Committee.

This bill establishes a private right of action under which a person can bring a civil lawsuit for damages caused by discriminatory acts. It also creates new presumptive and mandatory minimum criminal sentencing provisions to be used when crimes committed are motivated by discrimination of this type.

Under Section 12 of the proposed legislation, the administrative director of the Alaska Court System is required to report annually to the Alaska Human Rights Commission about both civil suits brought under the proposed statute, and about cases involving sentences imposed which take into account discriminatory harassment. The report must include the number of cases, the types of civil action brought and the amount of damages awarded, the types of crimes involved and sentences imposed, and the geographical distribution of the cases.

Adoption of this section would impose a tremendous clerical burden on the courts. Under current procedures the court system does not have the ability to track this information, so a completely new system would have to be devised. Proper reporting depends on proper identification of the cases involved, which may not always be apparent from pleadings or a judgment. The courts with the bulk of case filings are not automated, so this procedure would have to be accomplished manually. Proposed AS 09.55.650(c) requires that informational copies of a complaint
and answer filed under this section must be filed with the Human Rights Commission so to a large extent the court's reporting activities would be duplicative.

Additionally, this provision appears to violate the doctrine of separation of powers. The judicial branch would be required to report to the Human Rights Commission for a purpose unrelated to the court's primary function. The governor's transmittal letter states that "in this way, the Human Rights Commission can keep track of the type and number of such incidents occurring in Alaska." As a practical matter it is unclear what action, if any, the commission would take regarding this information. Also, if the commission is primarily concerned about the extent of discriminatory harassment, court records would reflect only a minor proportion of incidents of this nature.

For these reasons, the court system is opposed to section 12. When this bill is scheduled for hearing before the committee, I would appreciate the opportunity to testify, at which time I will be glad to provide further details about the extent of the burden this new procedure would create for the courts.

Thank you for your consideration of these comments.

Sincerely,

Karla L. Forsythe
General Counsel

KLF:smh

cc: Arthur H. Snowden, II
    Art Peterson, Assistant Attorney General
Suspect on trial in clubbing death

By SHEILA TOOMEY

One of two men accused of letting a 55-year-old carpenter pick them up in a bar so they could rob him went on trial for murder Tuesday in Anchorage Superior Court.

Charles Cole, 21, and Matthew Decker, 19, are charged with first-degree murder in the April 3, 1985, death of Ray Barker, found clubbed to death in his trailer home at 340 E. 64th Ave. Cole and Decker were arrested the next day.

In his opening statement against Cole on Tuesday, Assistant District Attorney Bill Fratley said the two defendants were broke and went looking for a victim among homosexual men who frequent several downtown bars.

"They decided to troll a gay bar and pick up somebody and rob them," he said.

Cole killed Barker deliberately, he said, and then complained because they got only $39, a television and Barker's truck.

But defense attorney Mark Ashburn said the two men played different roles in the crime. Decker, not Cole, set the plan in motion, he said.

Decker, not Cole, had a history of going home with gay men and robbing their homes in the middle of the night.

Cole was out of the room when the killing blows were struck, Ashburn said.

The two men found Barker earlier that evening at The Raven, a bar on Gambell Street, and arranged to meet him at another bar. The Jade Room, Fratley said. Barker was a "great big bear of a man ... a rather gentle, friendly person" who befriended street people and not necessarily for sexual purposes.

He took the man home and cooked him some fried chicken and green beans. During the dinner, said Ashburn, Barker asked his guests if they "were into sexual activities."

Here the prosecution and defense versions of what happened.

Suspect
Jury finds
Cole guilty of
man's murder

By DON HUNTER
Daily News reporter

A Superior Court jury
found Charles Cole guilty of
first-degree murder Saturday
afternoon in the April 3 slay-
ing of 38-year-old Ray Barker.

Prosecutors said Cole, 21,
and 19-year-old Matthew
Decker had lured Barker, a
construction worker, to an
apartment building in the
Downtown area where they
killed him.

As well as first-degree mur-
der, the jury returned guilty
verdicts on counts of second-
degree murder and robbery.

The first-degree murder
conviction carries a penalty
of life in prison.

Cole's sentencing date will
be scheduled on Monday.

The jury had been deliber-
ating for the verdict since
being sequestered Friday.

Decker has not yet been
found.

Barker took Decker and
Cole to his home and cooked
breakfast, lunch and dinner
for them.

Prosecutor Gail Frasier said during the
three-day trial.

While Barker was seated at
the table, Barker slipped behind
him and stabbed him to death
with a knife.

Although he succeeded Cole

See Page 9.
TO: HOUSE JUDICIARY COMMITTEE

REPS: M.M. MILLER, SUND, GRUENBERG, TAYLOR, CLOCKSIM, PETTYJOHN, PHILLIPS

INTERIOR DELEGATION
REPS: DAVIS, KOPENEN, M.M. MILLER, RINGSTAD, FRANK
SENS: BENNETT, FAHRENKAMP, COGHILL

FROM: BARBARA J. STALEY
CHAIR, HUMAN RIGHTS COMMISSION, CITY OF FAIRBANKS
PO BOX 832
FBX 99707

PHONE: 479-0166

RE: HOUSE JUDICIARY T/C ON HB 194 - DISCRIMINATORY HARRASSMENT

MSG: IT WAS WITH DISMAY AND SOME CONSTERNATION THAT A PUBLISHED HEARING CONCERNING HB 194 WAS ARBITRARILY AND WITHOUT PRIOR NOTICE CUT SHORT AND PERSONS WHO HAD TAKEN OFF WORK IN ORDER TO TESTIFY WERE NOT GIVEN THAT OPPORTUNITY -- I PROTEST THAT ARBITRARY ACTION.
April 8, 1986

HOUSE OF REPRESENTATIVE
Attention: Mike M. Miller
P.O. Box V
Juneau, Alaska 99811

Subject: HB 194 Discriminatory Harassment

Dear Representative Miller:

I am writing to urge you to support the passage of HB 194 which is an Act relating to a cause of action and sentencing for certain offenses involving discriminatory harassment.

It is appalling to me that certain behaviors exhibited by certain segments of our society necessitate this protection. Nonetheless, as a former law enforcement officer, I am all too aware of the reality that those incidents of racial terrorism do happen and our communities around the state are reporting increased activity of this nature.

This bill, in my opinion, is directly specific in its intent to provide a statutory remedy that might otherwise be hidden in a more vast and vague generality of the law. The passage of this bill will bring into focus and enhance the respect for cultural differences, lifestyles and living standards afforded every Alaskan in accordance with constitutional mandates.

Sincerely,

Robert K. Loewe
Crime Prevention Specialist
ASRAA
Member of the Discriminatory Harassment Task Force

cc: Alaska State Human Rights Commission
File

United Way Agency