

Introduced: 2/6/84
Referred: Judiciary

1 IN THE SENATE

BY JOSEPHSON

2

SENATE BILL NO. 406

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to discriminatory harassment."

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

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

9

ARTICLE 8. DISCRIMINATORY HARASSMENT.

10

Sec. 09.55.650. DISCRIMINATORY HARASSMENT ACTION. (a) A person

11

may maintain an action for discriminatory harassment against another

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person, or against the parent or legal guardian of a minor, who has

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caused physical injury to the person or damage to the property of the

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person with the intent to intimidate or harass the person because of

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the person's race, color, religion, ancestry, or national origin.

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(b) The court may award punitive damages in an amount not more

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than \$10,000 to a prevailing plaintiff in an action brought under this

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section.

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* Sec. 2. AS 11.41 is amended by adding new sections to read:

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Sec. 11.41.260. DISCRIMINATORY HARASSMENT IN THE FIRST DEGREE.

21

(a) A person commits the crime of discriminatory harassment in the

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first degree if, with the intent to intimidate or harass another

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person because of the other person's race, color, religion, ancestry,

24

or national origin, the person

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(1) causes serious physical injury to the other person; or

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(2) by words or conduct places the other person in fear of

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imminent serious physical injury.

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(b) Discriminatory harassment in the first degree is a class C

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felony.

1 Sec. 11.41.270. DISCRIMINATORY HARASSMENT IN THE SECOND DEGREE.

2 (a) A person commits the crime of discriminatory harassment in the
3 second degree if, with the intent to intimidate or harass another
4 person because of the other person's race, color, religion, ancestry,
5 or national origin, the person

6 (1) causes physical injury to the other person; or

7 (2) by words or conduct places the other person in fear of
8 imminent physical injury.

9 (b) Discriminatory harassment in the second degree is a class A
10 misdemeanor.

Offered: 5/17/84
Referred: Rules

Original sponsor: Josephson

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 CS FOR SENATE BILL NO. 406 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act relating to discriminatory conduct."

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

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

9 ARTICLE 8. DISCRIMINATORY HARASSMENT.

10 Sec. 09.55.650. DISCRIMINATORY HARASSMENT ACTION. (a) A person
11 has a civil action for discriminatory harassment against a person, or
12 against the parent or legal guardian of a minor, who, without the
13 right to do so or a reasonable ground to believe a right to do so
14 exists, and with the intent to intimidate, harass, or injure another
15 person because of the sex, race, color, religion, creed, ancestry,
16 national origin, mental handicap, or physical handicap of that person,

17 (1) causes physical injury to a person; or

18 (2) causes property damage.

19 (b) The court may award actual and punitive damages to a pre-
20 vailing plaintiff in an action brought under this section. An award
21 of damages against the parent or legal guardian of a minor under this
22 section shall be predicated on conduct of the parent or legal guardian
23 that is at least negligent. An award of damages under this section
24 does not preclude a person from seeking other remedies available under
25 law.

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

27 (22) the defendant knowingly directed the conduct constitut-
28 ing the offense at a victim because of that person's race, sex, color,
29 religion, creed, ancestry, or national origin;

1 * Sec. 3. AS 34.50.020 is amended by adding a new subsection to read:
2 (c) This section does not apply to an action brought under
3 AS 09.55.650.