

# Alaska State Legislature

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## Senator Bettye Davis

**SB 202** - "An Act relating to the commission of a crime when the defendant directed the conduct constituting the crime at the victim based on the victim's race, sex, color, creed, physical or mental disability, sexual orientation, ancestry, or national origin."

### SPONSOR STATEMENT

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Senate Bill 202 makes any crime against a person a more serious or aggravated crime if it is motivated by race, sex, color, creed, physical or mental disability, sexual orientation, ancestry, or national origin. Such crimes are referred to as "Hate Crimes." Hate crimes are inchoate offenses which are crimes of preparing for or seeking to commit another crime. Absent a specific law, an inchoate offense requires that the defendant have the specific intent to commit the underlying crime. For example, for a defendant to be guilty of the crime of assault in the third degree in Alaska, the defendant knowingly must place another person in fear of imminent serious physical injury or intentionally or recklessly cause serious injury to another person by means of a dangerous instrument. If this crime was motivated by hatred, bias, or prejudice, under SB 202 it merges into a more serious hate crime and is punished at a higher level than normally would be accorded the underlying offense.

Without creating a new list of "hate crimes" under AS 11.76, new Sec. 11.76.150 simply reclassifies the level of any crime up one notch if motivated by prejudice, bias, or hatred. For example, a class B misdemeanor becomes a class A misdemeanor; a class A misdemeanor becomes a C felony; a class C felony becomes a B felony, etc. Such reclassification, of course, increases the penalties appropriate to the classification in sentencing under AS 12.55.

The need for Senate Bill 202 is demonstrated by increasing reports of violence against homeless persons, minorities, religious groups, and others motivated by prejudice, bias, and hatred in Alaska and across the country in our highly diverse and multicultural society. When crimes are committed because of people's differences, the effects reverberate beyond a single victim or group into an entire community, city, state, and society as a whole. While Senate Bill 202 alone cannot eliminate prejudice/bias, or hatred, it will send a message that Alaskans will not tolerate hate crimes in any form, the consequences and punishment of which are very severe.