

Introduced by: Cooper, Smalley, Dunne, Johnson  
Date: 02/25/20  
Action: Adopted  
Vote: 5 Yes, 4 No, 0 Absent

**KENAI PENINSULA BOROUGH  
RESOLUTION 2020-016**

**A RESOLUTION SUPPORTING ALASKA HOUSE BILL 198, AN ACT RELATING TO  
AGGRAVATING FACTORS CONSIDERED AT SENTENCING**

**WHEREAS,** the Kenai Peninsula Borough is a diverse community, with residents who fall along the full range of sexual orientation and gender identity spectrums; and

**WHEREAS,** a series of escalating incidents of harassment and assault in the Kenai Peninsula Borough, which were apparently targeted against an individual based on sexual orientation, led to a town hall meeting on January 4, 2020, on the issue of public safety; and

**WHEREAS,** law enforcement officials, elected officials, and over 100 Kenai Peninsula Borough residents attended the public town hall meeting, who discussed hate crime generally and in the Kenai Peninsula Borough; and

**WHEREAS,** a hate crime may be defined as a criminal offense against a person or property motivated in whole or in part by an offender's bias against the victim's race, religion, disability, sexual orientation, ethnicity, gender, or gender identity; and

**WHEREAS,** at present, Alaska Statute 12.55.155(c)(22) provides as an aggravating factor for sentencing for a serious crime that "the defendant knowingly directed the conduct constituting the offense at a victim because of that person's race, sex, color, creed, physical or mental disability, ancestry, or national origin," but does not currently include sexual orientation or gender identity as an aggravating factor for sentencing of a person convicted of the crime; and

**WHEREAS,** the fundamental civil and human rights of all individuals should be upheld regardless of a person's race, sex, color, creed, disability, ancestry, national origin, sexual orientation, or gender identity; and

**WHEREAS,** criminal offenses motivated in whole or in part by an offender's bias against the victim's sexual orientation or gender identity have no place in our community; and

**WHEREAS,** after the town hall meeting, Rep. Andy Josephson introduced HB 198; and

**WHEREAS,** Alaska House Bill 198 would amend AS 12.55.155(c)(22) to expand hate crime protections to include "sexual orientation or gender identity";

**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That the Kenai Peninsula Borough Assembly supports the expansion of hate crime protection under AS 12.55.155(c)(22) to include “sexual orientation or gender identity” as an aggravating factor for sentencing of a person convicted of a crime through Alaska House Bill 198 if the substance of HB 198 as enacted is substantially the same as pre-filed HB 198.

**SECTION 2.** That copies of this resolution shall be forwarded to Alaska Representative Gary Knopp, Alaska Representative Ben Carpenter, Alaska Representative Sara Vance, and Alaska Senator Peter Micciche.

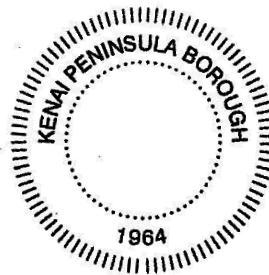
**SECTION 3.** That this resolution takes effect immediately upon adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 25TH DAY OF FEBRUARY, 2019.**

ATTEST:

  
John Blankenship, MMC, Borough Clerk

  
Kelly Cooper, Assembly President



Yes: Carpenter, Dunne, Johnson, Smalley, Cooper  
No: Bjorkman, Blakeley, Cox, Hibbert  
Absent: None