

HB 24 Backup Doc Packet

From: [REDACTED]
To: House Judiciary
Subject: re: I support HB 51
Date: Sunday, January 23, 2022 8:05:16 PM

Dear Chairman Claman and Judiciary Committee Members:

I am pleased that HB 51 has made it to the House Judiciary Committee this session. As a constituent of now-deceased Gary Knopp, I was so pleased when he attended the Town Hall in Soldotna at the beginning of 2020 to let everyone know he was co-sponsoring legislation that would add "sexual orientation and gender identity" to the list of aggravating factors that could be considered at sentencing. My gratitude to Rep. Andy Josephson for carrying HB 51 now with Reps. Hopkins and Kreiss-Tomkins as co-sponsors.

As a personal friend of Tammie Willis, the woman who was savagely attacked in her own home at the end of 2019, a local non-partisan group of which I am a part, Many Voices, decided it was imperative to hold a town hall to allow folks in our community to come, hear what happened and share their ideas, feelings, thoughts. It was held at the Soldotna Library and the room was packed to overflowing. Tammie shared her entire story of the disgusting letter that was left on her truck windshield, the rock that was thrown at her truck, which shattered her windshield and then, the horrific knife attack that she underwent in the garage at her own home. What we did not know when the town hall started was just how many people in our community who are LGBTQ+ had also experienced bullying, harassment, threats, demeaning treatment and lived in fear. One young man told stories on behalf of friends who had been bullied, threatened and harassed because they were too afraid to appear in person. To say the least, it was entirely gut-wrenching and shameful to know that so many in our community, and probably around the state and country, are mistreated, threatened and hurt because they are LGBTQ+.

Of course, I am not shocked by this treatment. Groups of people that are considered "other," "less-than," "not like us," have been hurt, threatened, physically and mentally attacked for hundreds of years. Unfortunately, the LGBTQ+ is just the latest group to experience mistreatment, but we have the means to hopefully quell violence against them with the passage of HB 51.

Although Tammie's attacker has never been caught due to either ineptitude, uncaring or mishandling of evidence, he is still out there. If he has done it once, there is nothing to stop him from doing it again. That is why it is crucial to pass HB 51 into law. We must, as a society, do what we can to protect those in our communities who are targeted by bigots, racists and haters. We must also teach our children that it is never ok to "hate" someone because they are different in any way whether sexual orientation, gender identity, race, religion, etc. Until the time comes when all are accepted as equally as possible, we need laws like HB 51. Please support this legislation now in the Judiciary Committee and when it comes up for a vote on the House floor.

Thank you,
Michele Vasquez
Soldotna, Alaska

From: [REDACTED]
To: Rep. Matt Claman
Subject: Testimony House Bill 51
Date: Friday, January 21, 2022 2:38:35 PM

January 21, 2022

The Honorable Matt Claman
Chair, Alaska House Judiciary Committee
120 4th Street
Juneau, Alaska 99801

Dear Chair Claman,

On behalf of the Anti-Defamation League's (ADL) Pacific Northwest Office and undersigned organizations, we are pleased to submit this letter in support of Alaska House Bill 51 (Rep. Josephson), a bill that would add sexual orientation or gender identity as protected categories under Alaska's hate crime laws, sending a critical and long overdue message that hate has no home in the great state of Alaska.

For far too long, the state's hate crime laws have not provided protections for victims who are targeted based on their sexual orientation or gender identity. In a government by and for its citizens, this sends a devastating message to victims of these crimes that they are not worthy of hate crime protection based on an immutable characteristic. At a time of rising hatred and bigotry across the nation, this gap in the law must be closed to ensure we are protecting all Alaskans.

In an attempt to address the rise of hate and bigotry in the community, House Bill 51 is a critical piece of legislation that attempts to close that gap.

While Alaska has seen an inconsistent number of hate crimes recorded by the FBI over the last decade, the data is only as good as the reporting and classification of such crimes. According to the 2019 FBI Hate Crimes Report, the state experienced its highest number of hate crimes (11) in the last decade with a third of those incidents committed based on the victim's sexual orientation – despite not being a protected category under Alaska state hate crimes law. Additionally, in 2019, of the 7,314 hate crimes documented by the FBI across the country, nearly one in five were motivated by bias towards an individual's actual or perceived sexual orientation (1,195 incidents, or 16%) or gender identity (198, or 3%).

It is unfortunately highly likely that these figures understate the true number of hate crimes motivated by a victim's sexual orientation or gender identity. Because the

law does not provide hate crime protections for victims who are targeted based on these protected characteristics, these victims may be more reluctant to come forward to report these crimes and law enforcement may not be equipped to recognize and respond to such crimes when victims do come forward. In addition, it is well documented that victims are far more likely to report a hate crime if they know a special reporting system is in place – if they believe law enforcement is ready and able to respond effectively. By passing House Bill 51 and enshrining this protection under the law, a more accurate picture of how our communities are affected by hate and bigotry can be seen.

By passing House Bill 51, Alaska has a unique opportunity to take a step forward in its commitment toward equal treatment and protections for all.

Sincerely,
Robin Dern
ADL Pacific Northwest

ALASKA IS NOT IMMUNE

¹
'I don't want it to be about me'

After series of attacks, local woman fears LGBTQ community is being targeted.

²
LGBTQ activist in hiding after she was attacked on the
Kenai Peninsula

³
Packed town hall addresses LGBTQ
safety

Town hall ends with call to action for local lawmakers

⁴
Soldotna passes resolution in support
of hate crime legislation

¹ Brian Mazurek, Peninsula Clarion, Dec 26, 2019.

² Rashah McChesney, KTOO, Dec 30, 2019.

³ Brian Mazurek, Peninsula Clarion, Jan 4, 2020.

⁴ Brian Mazurek, Peninsula Clarion, Jan 23, 2020.

The resolution would add "sexual orientation and gender identity" as a factor considered at sentencing

LGBTQ activist in hiding after she was attacked on the Kenai Peninsula

By Rashah McChesney, KTOO • Juneau • December 30, 2019



Tammie Willis staffs a Pride table during Pride in the Park in 2019 in Soldotna, Alaska. (Photo courtesy Tammie Willis)

A Kenai Peninsula woman is in hiding after a violent assault in her Sterling home.

Tammie Willis said she's being targeted because she's gay and wants other people in the LGBTQ community on the Kenai Peninsula to be warned that they could be danger.

The first sign of trouble came on Nov. 14, she said. She left a gym in Soldotna and she noticed that a piece of notebook paper had been shoved under the hood of her red pickup truck

She unfolded it to find a profanity-laced note, a homophobic slur and a threat.

Willis said she was shocked, but she didn't take it seriously.

"I was just like, who does this in this time? It's 2019. Who is seriously doing this? My wife had to convince me that I needed to take it to the police station," she said.

She took it to the Soldotna police.

"He took a picture of the letter and told me that it was written by a coward and that cowards rarely follow up on their threats," Willis said.

But, about a week later, she was driving to work along her usual route and she saw a truck parked in the shadows along the road.



(Photo courtesy of Tammie Willis)

"It looked like there was a figure in the back of the truck. And as I approached it, I was trying to get an idea of what the guy was doing in the back of the truck," Willis said. "I saw him raise his hands over his head and then the next thing I know, my windshield shattered."

She swerved, got control of the truck and kept driving until she got to Kenai Peninsula College, where she works as the Associate Director of Residence Life. She called the Soldotna police again, this time a different officer responded. Willis said, it felt like she was being stalked. But, the officer she talked to told her it was random.

"That it wasn't connected to the letter, even though I told him about the letter. His reasoning was that it was dark out and there's no way that anyone would have known that was my truck if I was being targeted," she said.

After the note, she'd stopped going to the gym. She changed her habits again after her windshield was shattered. She stopped going to work at the same time every morning. She took different roads to get there.

But, a few weeks later, she was getting ready for work in her home in Sterling. She remembers that she'd just put her shoes on. The power went out. She walked out through her garage to see if her neighbor's power was out and someone pushed her back into the garage.

She fell. As she was trying to get up, she felt a burning sensation in her arm. Then something sharp pressed against her chest.

"I grabbed the thing and it turned out that it was a knife that cut my hand," she said.

The stabbing stopped but then her attacker started punching her. Her head bounced off of the cement. Her glasses flew off. She said the attack lasted for several minutes.

"Then all of the sudden it just stopped and he left," Willis said.

Her wounds are extensive. It took 20 staples to close the cuts in her left arm. She has stitches in her breast. She has a concussion. Dark purple bruises balloon across her legs, stomach and face.

This time it was Alaska State Troopers who responded. She told them about the note.

They followed the blood trail in her garage and found the knife she was stabbed with.

Trooper spokesperson Ken Marsh said that investigation is still open. No one has been arrested.

Meanwhile, Willis has left her home. Her world has gotten much smaller.

"I feel like I'm always looking over my shoulder. I don't go anywhere without an escort. In a lot of ways, I feel like I'm in prison because I don't have have freedom of movement like I used too," she said.

To her, it's clear that the note, the windshield, the stabbing — they're all linked. Each happened as planning for a local LGBTQ-friendly event called Pride in the Park is ramping up. She's widely known as an organizer for that event.

She is frustrated with how long the investigations are taking — though she's careful to say that she doesn't feel discriminated against by law enforcement. But that frustration boiled over and she made a Facebook post on Christmas Eve. It has been shared almost 6,000 times. Many in the comments are calling it a hate crime.

But, it's not that clear-cut for law enforcement. Soldotna police have already closed their investigations into the first two incidents. They don't know who did it.

And they didn't investigate as a hate crime.

"We investigated it as a criminal mischief, the first one with the note would be like a suspicious incident — the other one would be a criminal mischief," said Soldotna Police Chief Pete Mlynarik.

It's difficult in Alaska to prosecute a hate crime. In fact, it's not really a crime you can commit at all. It's essentially something that gets tacked on to another crime and can affect how harsh a penalty is.

Also, sexual orientation is not protected under state criminal law. The statute lists race, sex, color, creed, physical or mental disability, ancestry or national origin.

All that aside, Willis says she wants LGBTQ communities on the Kenai Peninsula to be warned that there's a threat.

Mlynarik said he's not ready to do that, in part because it's not clear if someone has something against Willis specifically or with the whole LGBTQ community.

"To say a whole community is at risk, you know you don't want to alarm somebody for any reason, regardless of that circumstance or another one if you don't have all the facts out there," he said.

Meanwhile, Willis is still — essentially — in hiding. She goes to work at Kenai Peninsula College, but she stays in places where people don't have easy access to her.

She said she's in an uncomfortable position — to be so clearly in danger, but also to feel responsible for informing her friends and the queer community on the Kenai Peninsula that they could be in danger.

In response to the attack, Pride in the Park has organized a townhall meeting on Jan. 4 at 2:30 p.m. at the Soldotna Public Library. They're inviting elected officials and law enforcement and hoping to talk about safety in the LGBTQ community on the Kenai Peninsula.

Rashah McChesney, KTOO - Juneau

<http://www.ktoo.com>



Moderator Suzie Smalley lays out the ground rules for the LGBTQ Town Hall at the Soldotna Public Library in Soldotna, Alaska on Jan. 4, 2020. (Photo by Brian Mazurek/Peninsula Clarion)

Packed town hall addresses LGBTQ safety

Town hall ends with call to action for local lawmakers

By Brian Mazurek

Saturday, January 4, 2020 10:11pm | NEWS

At a town hall on Saturday, peninsula residents, law enforcement officials and elected representatives spoke at length about the issue of public safety for the LGBTQ community.

The event, which was organized in the wake of an assault on a local LGBTQ activist, drew over 100 people to the conference room of the Soldotna Public Library to reflect on the recent assault as well as to hear stories from others who had experienced harassment or violence.

In addition to members of the LGBTQ community and their allies, those in attendance included Kenai and Soldotna City Council members, Soldotna Mayor Pete Sprague, members of the Soldotna Police Department, Kenai Peninsula Borough Assembly members, State Sen. Peter Micciche, R-Soldotna, and State Rep. Gary Knopp, R-Soldotna.

The town hall was moderated by Suzie Smalley, who began the event by laying out general ground rules to ensure everyone who spoke was heard and treated with respect.

Smalley turned the mic over to Tammie Willis, who was the victim of the assault that occurred on Dec. 9, to give an update on her life and the ongoing investigation by Alaska State Troopers. Willis said she was overwhelmed by the turnout of Saturday's Town Hall.

"My wounds have healed on the outside, and they're starting to heal on the inside," Willis said. "We still have a lot of healing to do, but when I look around and I see that my community consists of so much more support than I ever thought it did, it really means a lot. I feel safer and more secure knowing that there are people out there advocating for the LGBT community."

Willis said that, since her assault, the FBI has been in contact with her about the possibility of the incident rising to the level of a federal hate crime.

Smalley opened the floor to hear testimonies from LGBTQ individuals to share, whether it was the challenges they face or the things they appreciate about the peninsula.

Some simply voiced their interest in seeing more LGBTQ-friendly places within the community. Others shared stories on behalf of others who were apprehensive about coming to the town hall and speaking publicly about their experiences.

One such example was Kaegan Koski, a high school student who told the story of his classmates being targeted with repeated homophobic slurs through anonymous Instagram accounts.

While reading the messages sent out loud, Koski censored himself and repeatedly pointed into the air each time a slur or profanity was used.

Koski's right hand pointed upwards for most of his recounting, and his left hand shakily held his notes as he struggled to repeat what had been said to his classmates.

“Coupled with the depression so often found among students placed in these horrifying situations, both students told me how compelled they were to self-harm, and how their friends felt the same,” Koski said. “And when these students found out the identity of some of the people making these terrible accounts, they went to school teachers and principals pleading for help but the teachers waved it off, saying they couldn’t do anything due to it being off school property. That was the end of the conversation. No calls to parents, no attempt to console the student victims.”

Koski himself had also recently been the target of harassment when he and his friend were followed by a group of people in a car that shouted slurs at them while the two were riding their bikes.

On Dec. 9, a horrifying event occurred, and the self-assuring words of sympathy I’ve heard from our Soldotna community is, ‘What a horrible thing to do, I can’t believe someone would do that here,’” Koski said. “I can. The 11 students who were involved in my stories can. The many students who are too afraid to say anything at all anymore can.”

After hearing from those who had experienced harassment firsthand, those who considered themselves allies to the LGBTQ community spoke about what they feel their responsibility is to ensure the safety of others, as well as how they have sometimes failed in their allyship. Many of those who spoke were parents who shared what it was like to have a child in the LGBTQ community. One man admitted to his use of hateful and homophobic language in the past, and another woman shared an experience where someone around her had been using derogatory language and she didn’t speak up.

Many of those who spoke at the town hall said that they did not come with the intention of speaking, but felt compelled to do so after hearing from others.

At one point, Smalley asked the audience who considered themselves an ally to the LGBTQ community. Most people in the room raised their hands. Smalley later asked how many people felt like they had failed as an ally at some point in their lives, to which many of the same people raised their hands.

Willis responded by thanking everyone for their honesty and said that no one can be perfect, even those within the LGBTQ community.

“There is no such thing as being a perfect ally,” Willis said. “The point is that you have a sense of self-awareness and self-reflection, and you’re willing to listen and learn from the community. That’s your greatest strength.”

After those who wished to share had spoken, Leslie Byrd, residence life coordinator at Kenai Peninsula College, encouraged everyone in attendance to participate in the upcoming Safe Zone training on Feb. 8 at the KPC Residence Hall. Safe Zone is a program that educates businesses, organizations and the general public on how to provide a space where LGBTQ individuals feel safe and welcome. Byrd also provides Safe Zone training for free on request, and anyone interested can email Byrd at lmbyrd2@alaska.edu for more information.

The final phase of the evening consisted of a call to action to local elected officials. Knopp said at the end of the town hall that he is planning to introduce legislation during the upcoming legislative session in Juneau that would amend Alaska’s existing hate crime statute to include gender identity and sexual orientation as protected classes.

Council members from the cities of Kenai and Soldotna including Bob Malloy, Jordan Chilson, Paul Whitney and Pamela Parker as well as Borough Assembly member Hal Smalley said that they would work to pass resolutions on the city and borough level in support of Knopp’s upcoming legislation. Audre Gifford, another organizer for the event, also asked Micciche to support SB82, which is legislation that would prohibit discrimination on the state level on the basis of sexual orientation or gender identity. Micciche said that he is considering the legislation but would not promise to support it.

The final call to action was to ask the cities of Kenai and Soldotna as well as the Borough to pass a resolution recognizing June as LGBTQ Pride month. A livestream of the town hall is available on the [Soldotna Pride in the Park Facebook Page](#).



Rep. Gary Knopp, R-Soldotna, speaks at the LGBTQ Town Hall at the Soldotna Public Library in Soldotna, Alaska on Jan. 4, 2020. (Photo by Brian Mazurek/Peninsula Clarion)



Sen. Peter Micciche, R-Soldotna, speaks at the LGBTQ Town Hall at the Soldotna Public Library in Soldotna, Alaska on Jan. 4, 2020. (Photo by Brian Mazurek/Peninsula Clarion)



Sgt. Tobin Brennan with the Soldotna Police Department speaks at the LGBTQ Town Hall at the Soldotna Public Library in Soldotna, Alaska on Jan. 4, 2020. (Photo by Brian Mazurek/Peninsula Clarion)



Audre Gifford asks Sen. Peter Micciche, R-Soldotna, to support SB82 during the LGBTQ Town Hall at the Soldotna Public Library in Soldotna, Alaska on Jan. 4, 2020. (Photo by Brian Mazurek/Peninsula Clarion)



Tammie Willis speaks at the LGBTQ Town Hall at the Soldotna Public Library in Soldotna, Alaska on Jan. 4, 2020. (Photo by Brian Mazurek/Peninsula Clarion)



Bringing you the news, and
views, of the Kenai since 1970

Subscribe

News
Sports
Outdoors and
Recreation
Opinion
Life
Arts and
Entertainment
Obituaries

Search
E-Edition
Classifieds
Weather
Newsletters
Subscribe
About Us
Contact Us
Printer's Ink

©2020 Peninsula Clarion and Publishing, Inc.
Terms of Use, Privacy Policy, and Comments Policy

Subscribe



Sponsored by: Vice Mayor Molloy and
Council Member Navarre

CITY OF KENAI

RESOLUTION NO. 2020-05

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, SUPPORTING ALASKA HOUSE BILL 198, AN ACT RELATING TO AGGRAVATING FACTORS CONSIDERED AT SENTENCING.

WHEREAS, the City of Kenai 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 Central Kenai Peninsula, 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 residents attended the public town hall meeting, including many residents of the City of Kenai, who discussed hate crime generally and in the Central Kenai Peninsula; 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 COUNCIL OF THE CITY OF KENAI, ALASKA:

Section 1. That the City of Kenai 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.

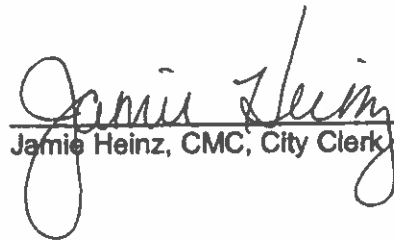
Section 2. That copies of this resolution shall be forwarded to Alaska Representative Gary Knopp, Alaska Representative Ben Carpenter, Alaska Representative Sara Vance, and Alaska Senator Peter Micciche.

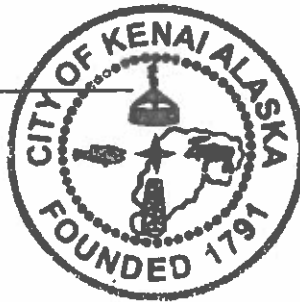
Section 3. That this resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 5th day of February, 2020.


BRIAN GABRIEL, SR., MAYOR

ATTEST:


Jamie Heinz, CMC, City Clerk





"Village with a Past, City with a Future"

210 Fidalgo Ave, Kenai, Alaska 99611-7794
Telephone: (907) 283-7535 | Fax: (907) 283-3014
www.kenai.city

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council Members
CC: Paul Ostrander, City Manager; Administration
FROM: Vice-Mayor Bob Molloy and Council Member Tim Navarre
DATE: January 27, 2020
SUBJECT: Resolution No. 2020-05 – Supporting Alaska House Bill 198

Resolution 2020-05 expresses the Kenai City Council's support of House Bill 198, *An Act Relating To Aggravating Factors Considered At Sentencing*, pre-filed by Rep. Andy Josephson of Anchorage for the Alaska State Legislature's session in 2020, if the substance of HB 198 as enacted is substantially the same as pre-filed HB 198.

A series of escalating incidents of harassment and assault in the Central Kenai Peninsula in 2019, which apparently were targeted against an individual based on sexual orientation, led to a town hall meeting on January 4, 2020 on the issue of public safety. This town hall meeting, open to the public, was attended by over 100 Kenai Peninsula residents, including many residents of the City of Kenai, as well as law enforcement officials and elected officials. Many individuals spoke about incidents of harassment and violence that they had experienced based on their sexual orientation or gender identity.

At the town hall meeting, protection against hate crime was discussed. 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. 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 include sexual orientation or gender identity as an aggravating factor for sentencing of a person convicted of the crime.

After the town hall meeting, Rep. Andy Josephson of Anchorage pre-filed HB 198, and cited incidents in 2019 and this town hall meeting as some of the reasons for this bill. HB 198 would amend AS 12.55.155(c)(22) to expand hate crime protections to include "sexual orientation or gender identity" as aggravating factors for sentencing of a person convicted of a crime. A finding of an aggravating factor allows the sentencing court to increase a presumptive sentence for a crime up to the maximum sentence for that crime.



The City of Kenai is a diverse community, with residents who fall along the full range of sexual orientation and gender identity spectrums. As a matter of public safety, 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.

Council's support of Resolution 2020-05 is respectfully requested.