

# House Bill 24

“An Act relating to aggravating factors considered at sentencing.”

- Sponsor: Representative Andy Josephson
- Staff: Ken Alper

# HB 24 Amends Aggravators Under AS 12.55.155(c)(22)

AS 12.55.155(c)(22) allows a sentencing court to impose additional sentencing if “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”

HB 24 adds “sexual orientation or gender identity” to this list.

# When Aggravating Factors Are Considered



# Aggravating Factors In Sentencing

HB24 is not a hate crime bill. It is a sentence aggravator bill

- After someone is convicted under Alaska's criminal code, their sentencing takes place. Many factors may be considered during this phase that can either mitigate (reduce) or aggravate (increase) the initial sentence
- AS 12.55.155(c) contains 34 separate aggravating factors which, if proven, shall be considered at sentencing
- 45 states allow for sentence enhancements when the defendant has been convicted of a hate crime, but only 31 and the District of Columbia include sexual orientation and/or gender identity

# Why Do We Have Aggravating Factors For Hate Crimes?

When someone is attacked *because* of their identity, the entire community is threatened

Violent hate crimes can lead to retribution and escalating inter-group tension

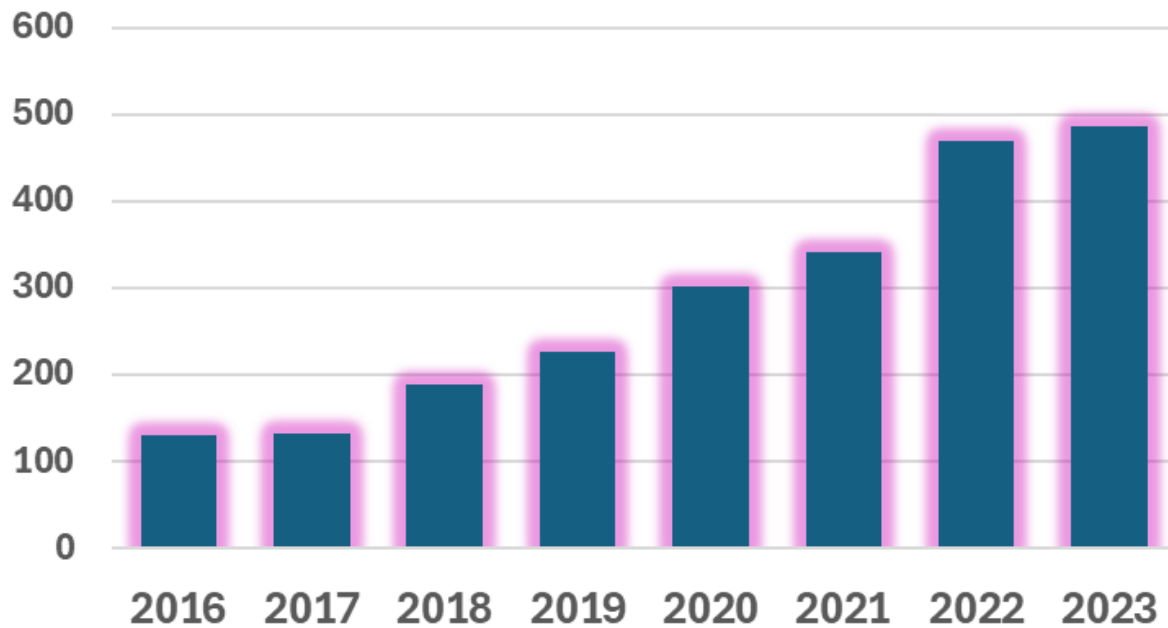
Motive and the details surrounding the crime are important

Aggravators are relevant when the defendant has been convicted and the crime is broadly considered hateful and/or deviant

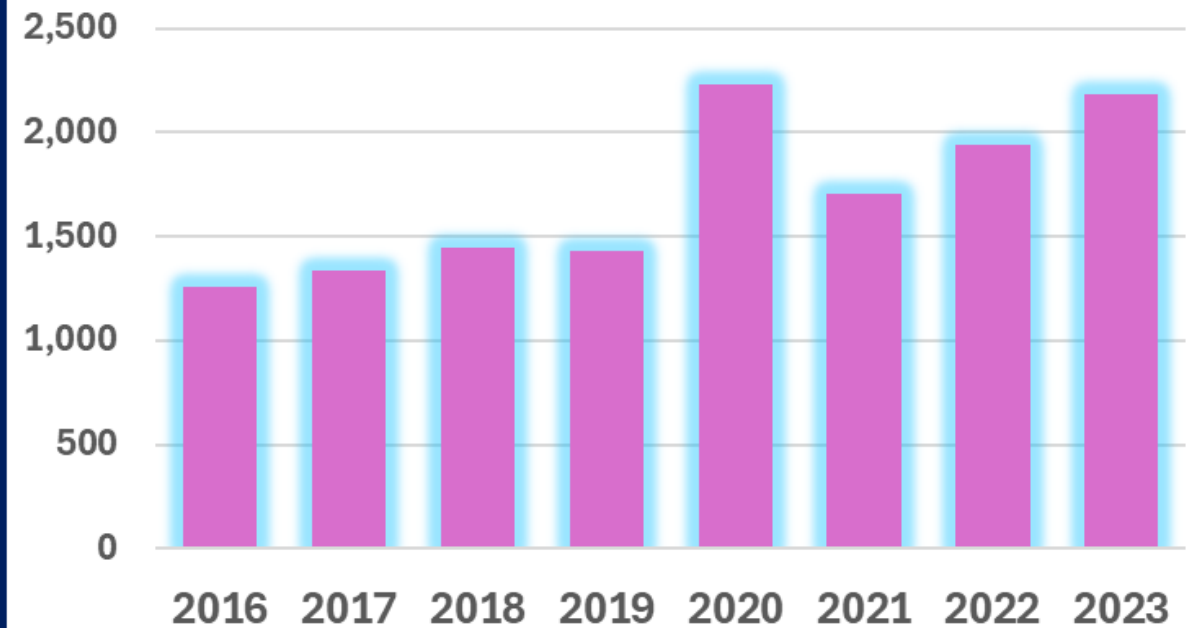
An assault motivated by hate towards a group has larger repercussions than even the initial terrible impact on the individual

# National Hate Crime Victims Based On Sexual Orientation Or Gender Identity

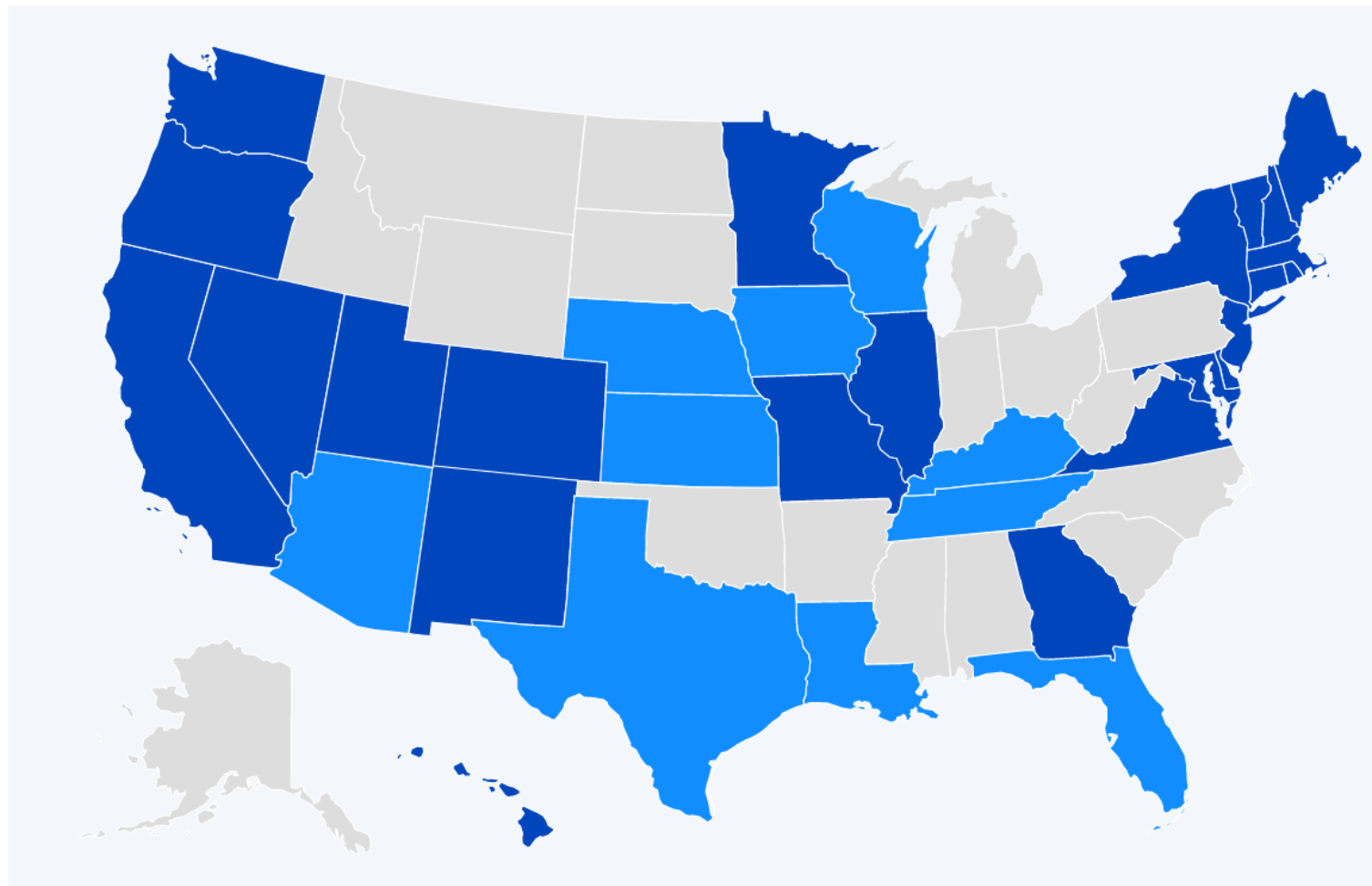
**Anti Gender Identity Hate Crimes  
2016 - 2023**



**Anti Sexual Orientation Hate Crimes  
2016 - 2023**



# Hate Crime Laws Nationwide



● Address hate or bias crimes based on sexual orientation only  
**10 States**

● Address hate or bias crimes based on sexual orientation and gender identity  
**23 States & DC**

# Among the states, Alaska is “middle of the pack”

| Rank | State          | Hate crimes per 100,000 people; 2019 | Total hate crimes; 2019 | Participating agencies reporting hate crimes | Pop. covered by agencies reporting hate crimes (%) |
|------|----------------|--------------------------------------|-------------------------|--|--|
| 1    | Washington     | 8.7                                  | 664                     | 253  | 99.6   |
| 2    | Massachusetts  | 6.4                                  | 441                     | 360  | 98.3   |
| 3    | Vermont        | 5.9                                  | 37                      | 89   | 100  |
| 4    | New Jersey     | 5.4                                  | 478                     | 556  | 97.3   |
| 5    | Michigan       | 5.0                                  | 495                     | 638  | 99.8   |
| 6    | Oregon         | 4.9                                  | 205                     | 204  | 96.2   |
| 7    | Colorado       | 4.5                                  | 257                     | 221  | 99.1   |
| 8    | Kentucky       | 4.0                                  | 179                     | 410  | 99.8   |
| 9    | Ohio           | 3.7                                  | 428                     | 551  | 83.2   |
| 10   | Hawaii         | 3.6                                  | 51                      | 1  | 68.9   |
| 11   | Arizona        | 3.5                                  | 254                     | 92   | 87.9   |
| 12   | Kansas         | 3.4                                  | 99                      | 377  | 89.6   |
| 13   | Montana        | 3.3                                  | 35                      | 103  | 98.8   |
| 14   | New York       | 3.2                                  | 618                     | 558  | 97.4   |
| 15   | California     | 3.1                                  | 1,221                   | 737  | 100  |
| 16   | New Mexico     | 3.0                                  | 63                      | 23   | 39.1   |
| 17   | Nebraska       | 2.9                                  | 57                      | 130  | 93.7   |
| 18   | Delaware       | 2.8                                  | 27                      | 63   | 100  |
| 19   | North Dakota   | 2.6                                  | 20                      | 109  | 100  |
| 20   | Connecticut    | 2.4                                  | 86                      | 102  | 94.6   |
| 21   | South Dakota   | 2.4                                  | 21                      | 128  | 95.9   |
| 22   | North Carolina | 2.4                                  | 248                     | 332  | 83.3   |
| 23   | Alaska         | 2.3                                  | 17                      | 33   | 99.5   |
| 24   | Tennessee      | 2.2                                  | 152                     | 465  | 100  |
| 25   | Minnesota      | 2.2                                  | 123                     | 379  | 98.1   |



# “New FBI Hate Crimes Report Shows Increases in Anti-LGBTQ Attacks”

*“Yet another year with alarming levels of bias-motivated crimes underscores just how urgent it is to address this hate crimes epidemic.”* -**Alphonso David, HRC President**

“Report shows that hate crimes based on sexual orientation represent 16.7% of hate crimes, the third largest category after race and religion.” - **Wyatt Ronan, HRC**

“It’s not only LGBTQ people who are affected by this epidemic of violence. Bias-motivated crimes based on race, religion, disability and gender remain at troublingly high levels.” - **Wyatt Ronan, HRC**

# Nationwide Hate Crime Legislation

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**Arkansas:** SB 622 does not mention classifications such as race, sexuality, sex and gender identity, but instead allows prosecutors to seek longer prison terms for individuals who target a victim because they are in a “recognizable and identifiable group.”

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**California:** AB 600 expanding the definition of nationality to include immigration status.

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**Delaware:** HB 224 makes the definitions of sexual orientation, gender identity, and disability consistent throughout the Delaware Code and with federal law.

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**Illinois:** SB 1596 includes, as a hate crime, the commission of the specified criminal acts against a person because of the actual or perceived citizenship or immigration status of the person.

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**Maryland:** HB 128/SB 220 includes gender identity and homelessness in the list of characteristics on the basis of which a person may not commit certain acts.

# ALASKA IS NOT IMMUNE

'I don't want it to be about me'

1

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

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

2

Packed town hall addresses LGBTQ safety

3

Town hall ends with call to action for local lawmakers

Soldotna passes resolution in support of hate crime legislation

4

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

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.



Questions?