

ALASKA STATE LEGISLATURE

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REPRESENTATIVE ANDY JOSEPHSON

HB24: Aggravating Factors Considered at Sentencing **Sponsor Statement**

In Alaska today, prosecutors may seek additional sentencing for crimes motivated by bias, if the perpetrator's action was targeted because of the victim's race, sex, color, creed, physical or mental disability, ancestry, or national origin. These crimes are typically known as 'hate crimes,' as they would likely not occur if it were not for the hatred of the perpetrator towards members of a specific group or class of people. HB 24 would add 'sexual orientation or gender identity' to this list.

Before an act is deemed a hate crime, the defendant must first be tried and convicted of a crime. It is only during the sentencing phase of the criminal process that these aggravating factors may come into play, and only if the crime can be shown to be motivated by bias against a particular class or group. Currently, 47 states plus the District of Columbia allow for sentence enhancement when the defendant has been convicted of a hate crime. Of these statutes, 34 include sexual orientation as an aggravating factor, and 24 include gender identity.

Tammie Willis is a vocal LGBTQ+ activist from Sterling. In November 2019, while organizing an annual Pride event, she found a threatening note containing homophobic slurs on her car. Roughly a week later, a large rock was thrown at her car while she drove to work. On December 9, she was attacked in her home by an knife-wielding assailant. She received dozens of stitches, bruising on her arms, legs, and stomach, and a concussion. These attacks occurred within days of announcements touting Pride in the Park planning meetings. It is clear that Mrs. Willis was targeted because of her LGBTQ identity and advocacy.

Amending AS 12.55.155(c) to include 'sexual orientation or gender identity' would not reverse the attack Ms. Willis suffered. However, it would send a powerful message that Alaska rejects crime motivated by hate, and that we as a state are willing to punish it accordingly. As Alaskans and Americans, we have a constitutional right to be and express ourselves. We must support crime victims who are targeted for exercising these rights, and I urge you to join me in supporting HB 24 to do just that.

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