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ALASKA STATE LEGISLATURE



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REPRESENTATIVE ANDY JOSEPHSON

SPONSOR STATEMENT:

HOUSE BILL 198

In Alaska, prosecutors may seek additional periods of incarceration for bias-motivated crimes, if the victim was targeted because of his or her race, sex, color, creed, physical or mental disability, ancestry, or national origin. **HB 198 would add 'sexual orientation or gender identity' to this list.**

These crimes are typically known as 'hate crimes', **as they would likely not occur if it were not for the perpetrator's animus towards members of a specific group or class of people.**

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 have been primarily motivated by bias towards the victim based on his/her belonging to a statutorily identified group.** (See above). Alaska Statute AS 12.55.155(c) lists 36 different types of sentencing aggravators which allow a court to add additional sentencing time to a defendant's sentence, beyond the presumptive sentencing guidelines already in place.

All but 5 U.S. states allow for sentence enhancement when the defendant has been convicted of a hate crime. **These 45 states provide a patchwork of coverages, with 31 states and the District of Columbia including sexual orientation and/or gender identity in their aggravator statutes.** Alaska is not yet included on this list, and a recent attack on the Kenai Peninsula has brought new interest and urgency to this oversight.

T.W. is a resident of Sterling. In November, 2019, in the midst of organizing an annual Pride event, she came out to her car and found a threatening note containing homophobic slurs. Roughly one 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 unknown assailant who stabbed and cut her repeatedly with a knife.** She received dozens of stitches, bruising on her arms, legs, and stomach, and a concussion. Both the threatening note and the knife attack occurred with days of announcements touting Pride in the Park planning meetings.

While not definitive, **T.W. was likely targeted based on her minority status and advocacy.** While amending AS 12.55.155(c) to include 'sexual orientation and gender identity' would neither reverse the attack she suffered nor give others any new rights, 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 left alone and to express ourselves. We must support crime victims who are targeted for exercising these rights, and I urge you to join me in supporting HB 198 to do just that.

Andy Josephson 1/27/20