

Committees:

House Finance Committee

•
Legislative Budget &
Audit

•
Finance Subcommittee
Chair of:

Alaska Court System
Department of Law
University of Alaska

ALASKA STATE LEGISLATURE



*Serving Midtown,
University, and
East Anchorage
neighborhoods*

REPRESENTATIVE ANDY JOSEPHSON

HB 51

Sponsor Statement

In Alaska, prosecutors may seek additional sentencing for bias-motivated crimes, if the perpetrator's action was targeted because of the victim's race, sex, color, creed, physical or mental disability, ancestry, or national origin. HB 51 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 hatred of the perpetrator 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 be primarily motivated by bias towards a particular class or group. Alaska Statute 12.55.155(c) lists 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 five U.S. states allow for sentence enhancement when the defendant has been convicted of a hate crime. The 45 remaining states provide a patchwork of coverages, with 32 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 to this oversight.

Tammie Willis is a vocal LGBTQ activist from Sterling. In November 2019, while organizing an annual Pride event, she came out to her car and found a threatening note containing homophobic slurs. 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 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 within days of announcements touting Pride in the Park planning meetings.

Mrs. Willis was targeted because of her LGBTQ identity and advocacy. While amending AS 12.55.155(c) to include 'sexual orientation or gender identity' would not reverse the attack she suffered, 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 51 to do just that.

January-April: State Capitol, Juneau, Alaska 99801 • (907) 465-4939 • (800) 465-4939

May-December: 1500 W Benson Blvd, Room 312, Anchorage, Alaska 99503 • (907) 269-0265

Rep.Andy.Josephson@akleg.gov