

ALASKA STATE LEGISLATURE

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REPRESENTATIVE ANDY JOSEPHSON

HB 238: Criminal Mischief 3rd Degree Sponsor Statement

The Anti-Defamation League reports that recent years have seen the most antisemitic vandalism since they started reporting in 1979. The Municipality of Anchorage saw at least two notable incidences of vandalism on churches: a nazi symbol of the lawn of Mountain City Church and spray-painted phallic symbols on St. Andrew Catholic church. Instances such as these show that 1) targeted vandalism based on religious worship can affect anybody, and 2) we should not treat these types of crime as simple property damage.

HB 238 amends AS 11.46.482: Criminal Mischief in the 3rd Degree to include a common criminal law known as “Institutional Vandalism.” Forty-two states and the District of Columbia have passed laws which emphasize and punish criminal behavior related to the destruction of property used for, or owned by, a place of worship or the site of burial or cemetery.

Alaska already makes it a C felony to deface, desecrate, or destroy a cemetery or place of burial under AS 11.46.482. Without that specific language, desecrating a cemetery would fall under typical destruction of property. Typical destruction of property is punished based on the value of the property:

- C felony if the property value was \$750 or more (AS 11.46.482);
- A misdemeanor if the property value was between \$250 and \$750 (AS 11.46.484);
- B misdemeanor if the property value was less than \$250 (AS 11.46.486)

Destruction of religious property or place of worship is treated like any other property crime; Therefore, it falls under the above measures. HB 238 would make any intentional desecration of religious property or place of worship a C felony just like vandalism to a place of burial.

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