

**ALASKA STATE LEGISLATURE  
HOUSE RULES STANDING COMMITTEE**

March 20, 2001

5:05 p.m.

**MEMBERS PRESENT**

Representative Pete Kott, Chair  
Representative Brian Porter  
Representative Vic Kohring  
Representative Carl Morgan  
Representative Lesil McGuire  
Representative Ethan Berkowitz  
Representative Reggie Joule

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE JOINT RESOLUTION NO. 22

Relating to a diverse community; condemning a recent racially motivated attack; and requesting the Municipality of Anchorage police department to conduct a conclusive investigation and to take rapid action against the perpetrators.

- HEARD AND HELD

**PREVIOUS ACTION**

BILL: HJR 22

SHORT TITLE: DIVERSE COMMUNITY/CONDEMN HATE CRIMES

SPONSOR(S): RLS BY REQUEST OF HOUSE

Jrn-Date	Jrn-Page		Action
03/16/01	0626	(H)	READ THE FIRST TIME - REFERRALS
03/16/01	0626	(H)	RLS
03/16/01	0626	(H)	REFERRED TO RULES
03/20/01		(H)	RLS AT 5:00 PM BUTROVICH 205

**ACTION NARRATIVE**

TAPE 01-3, SIDE A  
Number 0001

CHAIR PETE KOTT called the House Rules Standing Committee meeting to order at 5:05 p.m. Representatives Kott, Porter, Kohring, Morgan, McGuire, Berkowitz, and Joule were present at the call to order.

HJR 22-DIVERSE COMMUNITY/CONDEMN HATE CRIMES

Number 0038

CHAIR KOTT announced that the only order of business before the committee would be HOUSE JOINT RESOLUTION NO. 22, Relating to a diverse community; condemning a recent racially motivated attack; and requesting the Municipality of Anchorage police department to conduct a conclusive investigation and to take rapid action against the perpetrators.

Number 0046

REPRESENTATIVE PORTER said that he and others have been torn regarding what to do in response to the recent paintball incident. He said, "To say that we're outraged, is probably a euphemism at this stage." He informed the committee the he has an edited version of the videotape of this incident for the committee's review. He indicated that this incident has created the recognition that perhaps our state has a problem.

REPRESENTATIVE PORTER noted his past life, which makes him appreciate the situation that the Anchorage Police Department and the state prosecutor's office are facing. He also noted that the Minority Leader has prepared and prosecuted these kinds of cases. He acknowledged that the communities want swift action, which certainly should occur when possible. However, one must take care not to jeopardize a successful prosecution. Representative Porter said, "And that's the delicate balance that is going on right now in Anchorage. Notwithstanding that, I think it would not tip that balance adversely for the legislature to express its point of view of the entire area."

Number 0248

The video recording made by the teens was shown to the committee. The videotape shows the three teens driving around downtown Anchorage shooting paintballs at Native Alaskans. The audio from the video recording lasts about 20 minutes.

Number 1461

REPRESENTATIVE PORTER said:

I think you can appreciate even more after seeing that why, if I were in my previous life, I would want to make sure that I took every step and that the whole criminal justice system prepared a case and didn't start the 120-day rule ticking until it was absolutely sure that the prosecution would be successful. One of the problems with making a premature arrest is that it starts the speedy trial rule ticking. And that, by our case law, requires the prosecution must be started within 120 days. If evidence is still out-of-state being processed or all of the victims have not been identified and those kinds of things, you run afoul of not having as a good a ... prosecution as you might want to have. So, I think that explains the delay, but doesn't necessarily mean we have to.

REPRESENTATIVE PORTER related his understanding that a couple of other folks who were unaware of the meeting would like to testify. Therefore, Representative Porter said he didn't mind delaying passage of HJR 22 from committee until those folks could testify. He offered the following amendment, Amendment 1, for consideration:

Page 1, lines 2-3:

Delete "conduct a conclusive investigation and to take rapid action against the perpetrators"

Insert "continue their conclusive investigation and for the criminal justice system to take rapid action to reach their determination of this case"

Page 2, line 20:

Delete "the swift prosecution and punishment of perpetrators"

Insert "for the criminal justice system to take the actions necessary to reach a rapid determination"

Number 1550

REPRESENTATIVE MCGUIRE moved that the committee adopt Amendment 1. There being no objection, Amendment 1 was adopted.

CHAIR KOTT announced his intention to hold the hearing open in order to allow others to testify. He also announced his intent to calendar this resolution as quickly as possible.

REPRESENTATIVE McGUIRE said that she looked forward to moving this resolution as quickly as possible. She acknowledged the notion regarding whether or not passing resolutions is really doing "our" job. She related her belief that in this case, this resolution is very important and offers support to the local authorities that she believes are doing their job diligently. In her opinion, this resolution also addresses some of the concerns regarding whether or not this is a problem. Representative McGuire said that in discussions with colleagues, it is evident that that [the legislature] recognizes [hate crimes] are a problem and want to do all possible to support the authorities. In conclusion, Representative McGuire expressed her support.

Number 1626

REPRESENTATIVE JOULE noted his appreciation for the intent of this resolution. He also noted that there is a similar resolution in the Senate, although it has a somewhat different scope. The Senate resolution, SJR 19, calls for the Civil Rights Commission to perform a formal investigation of the paintball incident as well as others. He asked if such had been taken into account in this resolution.

REPRESENTATIVE PORTER said that he didn't oppose adding such language.

REPRESENTATIVE JOULE also noted his appreciation of Chair Kott allowing the committee time to review HJR 22 as well as inviting the Alaska Federation of Natives (AFN) to speak to the resolution.

Number 1724

REPRESENTATIVE BERKOWITZ remarked that he was reviewing the criminal statutes, which seem to provide ample opportunity to express the frustrations that exist. He informed the committee that he spent some time as the hate crimes prosecutor in Anchorage. He said, "You never see a case as clear cut as this. This is appalling. And I think if anyone operates under the notion that there's no racism in Alaska, it should dispel that notion." Furthermore, any steps that [the legislature] can take to heighten public awareness and sensitivity should be taken.

He acknowledged that he has been critical of the resolution process in the past. However, a process must begin by talking about it. He said, "A resolution of this nature can carry substantial weight and I hope that we make sure that the resolution we put forward carries that kind of weight."

CHAIR KOTT agreed that there is ample opportunity under a number of statutes to prosecute. He related his belief that "the resolution ... would go a long way towards that prosecution."

#### **ADJOURNMENT**

Number 1797

CHAIR KOTT announced that the committee would recess to the call of the chair at 5:40 p.m. [The committee reconvened on March 21, 2001, at 4:36 p.m.]