

**CS FOR SENATE BILL NO. 202(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

**BY THE SENATE JUDICIARY COMMITTEE**

**Offered: 3/18/10**

**Referred: Finance**

**Sponsor(s): SENATOR DAVIS**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the commission of a crime when the defendant directed the conduct**  
2 **constituting the crime at the victim based on the victim's race, sex, color, creed, physical**  
3 **or mental disability, sexual orientation, gender identity, ancestry, or national origin."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 **\* Section 1.** AS 11.76 is amended by adding a new section to read:

6 **Sec. 11.76.150. Motivation by prejudice, bias, or hatred.** (a) A person  
7 commits the crime of motivation by prejudice, bias, or hatred if the person commits a  
8 crime in this title and the person knowingly directed the conduct constituting the crime  
9 at the victim of the crime because of the victim's race, sex, color, creed, physical or  
10 mental disability, sexual orientation, gender identity, ancestry, or national origin.

11 (b) In this section, "gender identity" means actual or perceived gender-related  
12 characteristics.

13 (c) Motivation by prejudice, bias, or hatred is a

14 (1) class A misdemeanor if the crime committed is a class B

1 misdemeanor;

2 (2) class C felony if the crime committed is a class A misdemeanor;

3 (3) class B felony if the crime committed is a class C felony;

4 (4) class A felony if the crime committed is a class B felony;

5 (5) unclassified felony and the defendant shall be sentenced to a  
6 definite term of imprisonment of at least five years but not more than 99 years if the  
7 crime committed is a class A felony.

8 \* **Sec. 2.** AS 12.55.155(c)(22) is amended to read:

9 (22) the defendant knowingly directed the conduct constituting the  
10 offense at a victim because of that person's race, sex, color, creed, physical or mental  
11 disability, sexual orientation, gender identity, ancestry, or national origin; in this  
12 paragraph, "gender identity" means actual or perceived gender-related  
13 characteristics;