

**CS FOR HOUSE BILL NO. 534 (JUDICIARY)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered: 4/29/92  
Referred: Finance**

**Sponsor(s): REPRESENTATIVES GRUENBERG, Koponen, B.Davis, Ellis**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to constitutional, civil, and human rights and providing criminal and civil  
2 penalties for violations of constitutional, civil, and human rights."

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

4 \* Section 1. AS 11.76.110 is amended to read:

5 Sec. 11.76.110. INTERFERENCE WITH CONSTITUTIONAL OR HUMAN RIGHTS.

6 (a) A person commits the crime of interference with constitutional or human rights if

7 (1) the person injures, oppresses, threatens, or intimidates another person with  
8 intent to deprive the other [THAT] person of, or deter the other person from exercising, a  
9 right, privilege, or immunity [IN FACT] granted by the constitution or laws of the United States  
10 or the state or by an ordinance of a municipality of the [THIS] state;

11 (2) the person [INTENTIONALLY] injures, oppresses, threatens, or intimidates  
12 another person because that person has exercised or enjoyed a right, privilege, or immunity [IN  
13 FACT] granted by the constitution or laws of the United States or the state or by an ordinance  
14 of a municipality of the [THIS] state; or

1 (3) under color of law, ordinance, or regulation of this state or a municipality or  
2 other political subdivision of this state, the person intentionally deprives another of a right,  
3 privilege, or immunity in fact granted by the constitution or laws of the United States or the  
4 state or by an ordinance of a municipality of the [THIS] state; or

5 (4) the person knowingly

6 (A) engages in discriminatory conduct prohibited under AS 18.80;

7 (B) resists, prevents, impedes, or interferes with the State Commission  
8 for Human Rights or any of its authorized representatives in the performance of a  
9 duty under AS 18.80; or

10 (C) violates an order of the State Commission for Human Rights.

11 (b) In a prosecution under this section, questions of law include

12 (1) whether the injury, oppression, threat, intimidation, or deprivation concerns  
13 a right, privilege, or immunity granted by the constitution or laws of this state;

14 (2) whether the discriminatory conduct is prohibited under AS 18.80;

15 (3) the existence of a duty of the State Commission for Human Rights or any  
16 of its authorized representatives; and

17 (4) whether an order of the State Commission for Human Rights was valid

18 [IS A QUESTION OF LAW].

19 (c) Interference with constitutional or human rights is a class C felony [A  
20 MISDEMEANOR].

21 \* Sec. 2. AS 18.80.145(a) is amended to read:

22 (a) When an action is brought under AS 18.80.270 [AS 22.10.020(i)], the plaintiff shall  
23 serve a copy of the complaint on the State Commission for Human Rights. Upon timely  
24 application, the commission may intervene as a party to the action as a matter of right. If the  
25 commission certifies in writing to the court that it is presently investigating or actively dealing  
26 with the act, practice, or policy of the defendant giving rise to the cause of action, the court shall,  
27 at the request of the commission, defer proceedings for a period of not more than 45 days or such  
28 extended period as the court may allow; except that the court may enter an order or injunction  
29 if necessary to prevent irreparable injury to the plaintiff.

30 \* Sec. 3. AS 18.80.145(d) is amended to read:

31 (d) If the commission does not intervene or file a certificate and conduct a hearing as

1 provided in this section, the court has complete jurisdiction of the case [, NOTWITHSTANDING  
2 THE PROVISIONS OF AS 18.80.280].

3 \* Sec. 4. AS 18.80.220(a)(4) is amended to read:

4 (4) an employer, labor organization, or employment agency to discharge, expel,  
5 or otherwise discriminate against a person because the person has opposed any practices  
6 forbidden under AS 18.80.200 - 18.80.270 [AS 18.80.200 - 18.80.280] or because the person has  
7 filed a complaint, testified, or assisted in a proceeding under this chapter;

8 \* Sec. 5. AS 18.80.255 is amended by adding new subsections to read:

9 (b) It is unlawful for the state, or a political subdivision of the state, or an official,  
10 employee, or agency of the state, or of a political subdivision of the state, to sponsor or organize  
11 a meeting or other activity the purpose of which is related to state business, including an athletic  
12 competition, in an establishment or facility that does not afford full membership rights and  
13 privileges to a person because of sex, race, creed, color, religion, ancestry, national origin, or  
14 physical or mental disability. This subsection does not apply to the state, or a political  
15 subdivision of the state, or an official, employee, or agent of the state, or of a political  
16 subdivision of the state, acting in the course of law enforcement or other required investigations  
17 or inspections.

18 (c) Money of the state or a political subdivision of the state may not be expended in  
19 connection with a meeting or other activity held at an establishment or facility that does not  
20 afford full membership rights and privileges to a person because of sex, race, creed, color,  
21 religion, ancestry, national origin, or mental or physical disability. This provision does not apply  
22 to state funds expended during the course of ongoing law enforcement or other required  
23 investigations or inspections.

24 (d) An official, employee, or agent of the state, or of a political subdivision of the state,  
25 may not be reimbursed for dues or other expenses incurred at an establishment or facility that  
26 does not afford full membership rights and privileges to a person because of sex, race, creed,  
27 color, religion, ancestry, national origin, or physical or mental disability. This provision does not  
28 apply to expenditures incurred by an official, employee, or agent acting in the course of law  
29 enforcement or other required investigations or inspections.

30 (e) In this section "official" means a person who holds an elected or appointed position  
31 in state government or in a political subdivision of the state.

1           (f) This section does not apply to denial of membership rights and privileges by a  
2 religious organization in order to limit membership rights and privileges to persons who espouse  
3 the organization's religion or creed. This exemption applies only to organizations whose primary  
4 purpose is to serve members of a particular religion.

5 \* Sec. 6. AS 18.80 is amended by adding a new section to read:

6           Sec. 18.80.267. INTERFERENCE WITH ENFORCEMENT OF HUMAN RIGHTS. It  
7 is unlawful for a person, the state, or a political subdivision of the state, to resist or impede the  
8 commission or any of its authorized representatives in the performance of a duty under this  
9 chapter or to violate an order of the commission.

10 \* Sec. 7. AS 18.80.270 is repealed and reenacted to read:

11           Sec. 18.80.270. CIVIL ACTIONS. A person who is injured or aggrieved by an act,  
12 practice, or policy that is prohibited under this chapter may apply to a court of competent  
13 jurisdiction for relief and may maintain a class action as allowed under applicable rules of court.  
14 The court may enjoin an act, practice, or policy that is illegal under this chapter and may order  
15 other relief, including awards of compensatory and punitive damages, that is appropriate.

16 \* Sec. 8. AS 47.30.835(a) is amended to read:

17           (a) A person may not deny to a person who is undergoing evaluation or treatment under  
18 AS 47.30.660 - 47.30.915 a civil right, including but not limited to, the right to free exercise of  
19 religion and the right to dispose of property, sue and be sued, enter into contractual relationships,  
20 and vote. A person who violates this subsection may be prosecuted for [COMMITTS THE  
21 CRIME OF] interference with constitutional or human rights under AS 11.76.110.

22 \* Sec. 9. AS 18.80.280 and AS 22.10.020(i) are repealed.