

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

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 5/6/92

Offered: 4/29/92

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 a religious organization which limits membership rights
2 and privileges to persons who espouse the organization's religion or creed. This exemption
3 applies only to organizations whose primary purpose is to serve members of a particular religion.

4 * Sec. 6. AS 18.80 is amended by adding a new sections to read:

5 Sec. 18.80.265. INTERFERENCE WITH CONSTITUTIONAL RIGHTS. It is unlawful
6 for a person, the state, or a political subdivision of the state, to

7 (1) injure, oppress, threaten, or intimidate another person with intent to deprive
8 that person of a right, privilege, or immunity in fact granted by the constitution or laws of this
9 state;

10 (2) intentionally injure, oppress, threaten, or intimidate another person because
11 that person has exercised or enjoyed a right, privilege, or immunity in fact granted by the
12 constitution or laws of this state; or

13 (3) under color of law, ordinance, or regulation of this state or a municipality or
14 other political subdivision of this state, intentionally deprive another of a right, privilege, or
15 immunity in fact granted by the constitution or laws of this state."

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

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 AS 18.80.270 is repealed and reenacted to read:

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

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

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

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