

HOUSE BILL NO. 72
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE B.DAVIS

Introduced: 1/18/93

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to constitutional, civil, and human rights and providing criminal
2 and civil 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
6 RIGHTS. (a) A person commits the crime of interference with constitutional or
7 human rights if

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

13 (2) the person [INTENTIONALLY] injures, oppresses, threatens, or
14 intimidates another person because that person has exercised or enjoyed a right,

1 privilege, or immunity [IN FACT] granted by the constitution or laws of the United
2 States or the state or by an ordinance of a municipality of the [THIS] state; or

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

8 (4) the person knowingly

9 (A) engages in discriminatory conduct prohibited under

10 AS 18.80;

11 (B) resists, prevents, impedes, or interferes with the State

12 Commission for Human Rights or any of its authorized representatives in
13 the performance of a duty under AS 18.80; or

14 (C) violates an order of the State Commission for Human

15 Rights.

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

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

20 (2) whether the discriminatory conduct is prohibited under

21 AS 18.80;

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

24 (4) whether an order of the State Commission for Human Rights
25 was valid [IS A QUESTION OF LAW].

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

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

29 (a) When an action is brought under AS 18.80.270 [AS 22.10.020(i)], the
30 plaintiff shall serve a copy of the complaint on the State Commission for Human
31 Rights. Upon timely application, the commission may intervene as a party to the

1 action as a matter of right. If the commission certifies in writing to the court that it is
2 presently investigating or actively dealing with the act, practice, or policy of the
3 defendant giving rise to the cause of action, the court shall, at the request of the
4 commission, defer proceedings for a period of not more than 45 days or such extended
5 period as the court may allow; except that the court may enter an order or injunction
6 if necessary to prevent irreparable injury to the plaintiff.

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

8 (d) If the commission does not intervene or file a certificate and conduct a
9 hearing as provided in this section, the court has complete jurisdiction of the case [,
10 NOTWITHSTANDING THE PROVISIONS OF AS 18.80.280].

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

12 (4) an employer, labor organization, or employment agency to
13 discharge, expel, or otherwise discriminate against a person because the person has
14 opposed any practices forbidden under AS 18.80.200 - 18.80.270 [AS 18.80.200 -
15 18.80.280] or because the person has filed a complaint, testified, or assisted in a
16 proceeding under this chapter;

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

18 (b) It is unlawful for the state, or a political subdivision of the state, or an
19 official, employee, or agency of the state, or of a political subdivision of the state, to
20 sponsor or organize a meeting or other activity the purpose of which is related to state
21 business, including an athletic competition, in an establishment or facility that does not
22 afford full membership rights and privileges to a person because of sex, race, creed,
23 color, religion, ancestry, national origin, or physical or mental disability. This
24 subsection does not apply to the state, or a political subdivision of the state, or an
25 official, employee, or agent of the state, or of a political subdivision of the state, acting
26 in the course of law enforcement or other required investigations or inspections.

27 (c) Money of the state or a political subdivision of the state may not be
28 expended in connection with a meeting or other activity held at an establishment or
29 facility that does not afford full membership rights and privileges to a person because
30 of sex, race, creed, color, religion, ancestry, national origin, or mental or physical
31 disability. This provision does not apply to state funds expended during the course of

1 ongoing law enforcement or other required investigations or inspections.

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

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

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

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

16 Sec. 18.80.267. INTERFERENCE WITH ENFORCEMENT OF HUMAN
17 RIGHTS. It is unlawful for a person, the state, or a political subdivision of the state,
18 to resist or impede the commission or any of its authorized representatives in the
19 performance of a duty under this 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
22 act, practice, or policy that is prohibited under this chapter may apply to a court of
23 competent jurisdiction for relief and may maintain a class action as allowed under
24 applicable rules of court. The court may enjoin an act, practice, or policy that is
25 illegal under this chapter and may order other relief, including awards of compensatory
26 and punitive damages, that is appropriate.

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

28 (a) A person may not deny to a person who is undergoing evaluation or
29 treatment under AS 47.30.660 - 47.30.915 a civil right, including but not limited to,
30 the right to free exercise of religion and the right to dispose of property, sue and be
31 sued, enter into contractual relationships, and vote. A person who violates this

- 1 subsection may be prosecuted for [COMMITTS THE CRIME OF] interference with
2 constitutional or human rights under AS 11.76.110.
3 * Sec. 9. AS 18.80.280 and AS 22.10.020(i) are repealed.