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STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary	3/26/85	1:30 pm
" "	3/6/86	1:30 pm

COMMITTEE REPORT  
HOUSE

FURTHER: FINANCE

2/13/85

Date: \_\_\_\_\_

Mr. Speaker:

The Committee on JUDICIARY has had HB 194

"An Act relating to sentencing for certain offenses involving discriminatory harassment."

under consideration and reports it back as follows:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 194 (JUD)  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the do pass \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

*[Handwritten signatures]*

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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

*[Handwritten signature]*

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*[Handwritten signature]*

CHAIRMAN



*Rep. M. Miller*  
*(Geno)*

**REPRESENTATIVE DON CLOCKSIN**

**Alaska House of Representatives**

MAJORITY LEADER

1024 WEST SIXTH AVENUE  
ANCHORAGE, ALASKA 99501  
(907) 274-4031

WHILE IN JUNEAU:  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-3704

M E M O R A N D U M

TO: House Judiciary Committee      DATE: March 5, 1986

FROM: Nancy Grcszek *NG*      SUBJECT: CS HB 194  
Aide to  
Representative Don Clocksin

Don asked me to circulate the attached copy of CS to HB 194 which he will propose to the committee tomorrow, March 6, 1986.

Attachment

DRAFT

James ✓  
3/5/86

Original sponsor: Rules/Governor

IN THE HOUSE

BY THE JUDICIARY COMMITTEE

CS FOR HOUSE BILL NO. 194 (Judiciary)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to a cause of action and sentencing for certain offenses involving discriminatory harassment."

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

\* Section 1. AS 09.55 is amended by adding a new section to read:

ARTICLE 8. DISCRIMINATORY HARASSMENT.

Sec. 09.55.650. DISCRIMINATORY HARASSMENT ACTION. (a) A person may maintain an action for discriminatory harassment against another person, or against the parent or legal guardian of a minor, who has caused physical injury to the person or damage to the property of the person, with the intent to intimidate or harass the person because of the person's sex, sexual orientation, race, color, religion, national origin, or physical or mental disability.

(b) Actual and punitive damages may be awarded to a prevailing plaintiff in an action brought under this section. An award of damages against the parent or legal guardian of a minor under this section must be predicated upon conduct of the parent or legal guardian that is at least negligent. An award of damages under this section does not preclude a person from seeking other remedies available under law.

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

(22) the defendant knowingly directed the conduct constituting the offense at a victim because of that person's race, sex, sexual orientation, color, creed, ancestry, religion, [OR] national origin;

#

DRAFT

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 194 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to a cause of action and sentencing  
7 for certain offenses involving discriminatory harass-  
8 ment."

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18 origin, or physical or mental disability.

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25 law.

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origin;

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : CSHR 194(FIN)  
 Title : "An Act relating to a cause of action and certain offenses involving discriminatory harassment."  
 Sponsor : Judiciary  
 Requestor : House Judiciary  
 Date of Request : 4/2/86

**FISCAL DETAIL**

Agency Affected : Public Safety  
 BRU : \_\_\_\_\_  
 \_\_\_\_\_  
 Components : \_\_\_\_\_  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		0	0	0	0	0

CAPITAL						
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REVENUE						
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		0	0	0	0	0

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Prepared by : Francis C. Allan *F.C.A.*  
 Division : Alaska State Troopers

Phone : 269-5691  
 Date : 4/2/86

Approved by Commissioner : *[Signature]*  
 Agency : Public Safety

Date : 4/3/86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)



DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER

Support


DATE

April 2, 1986

CSHB 194(FIN) - "An Act relating to a cause of action and sentencing for certain offenses involving discriminatory harassment."

Our interpretation of the intent of this legislation is that it is an attempt to curb discriminatory harassment by making it a felony crime.

No additional enforcement activity is anticipated, but the Division supports the legislation as an effective tool in fighting these types of crimes.

  
Robert J. Sundberg  
Commissioner

**STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE**

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : HB 194  
 Title : "An Act relating to sentencing for certain offenses involving discriminatory harassment."  
 Sponsor : Rules/Governor  
 Requestor : House Judiciary  
 Date of Request : 3/6/86

**FISCAL DETAIL**

Agency Affected : Public Safety  
 BRU : Alaska State Troopers  
 Components : \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		0	0	0	0	0

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		0	0	0	0	0

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Prepared by: *K Niles* Kathy Niles, Admin. Assistant Phone : 465-4336  
 Division : Commissioner's Office Date : 3/5/86

Approved by Commissioner: *[Signature]* Date : 3/5/86  
 Agency : Public Safety

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER

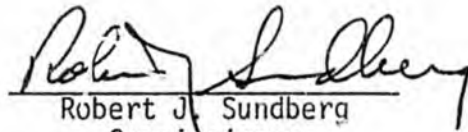
Support

March 5, 1985

HB194 - "An Act relating to sentencing for certain offenses involving discriminatory harassment."

Our interpretation of the intent of this legislation is that it is an attempt to curb discriminatory harassment by making it a felony crime.

No additional enforcement activity is anticipated, but the Division supports the legislation as an effective tool in fighting these types of crimes.

  
Robert J. Sundberg  
Commissioner

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HB 194  
 Title: Discriminatory Harassment  
 Sponsor: Rules/Governor  
 Requestor: Governor  
 Date of Request: Feb. 5, 1985

FISCAL DETAIL

Agency Affected: Office of the Governor  
 Program Category Affected: \_\_\_\_\_  
 Due Process  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Human Rights Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>		-0-				
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-				

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>GENERAL FUND</b>		-0-				
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>FULL-TIME</b>						
<b>PART-TIME</b>						
<b>TEMPORARY</b>						

ANALYSIS: Attach a separate page if necessary

Prepared By: Michael A. Nizich, Director Phone: 465-3544  
 Division: Administrative Services/ Date: 2/5/85

Approved by Commissioner: *Laura J. Norman* Date: 2/5/85  
 Agency: Office of the Governor

Distribution (by Agency preparing fiscal note):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

7/1/84



# KENAI POLICE DEPT.

P.O. BOX 3173, KENAI, ALASKA 99611

TELEPHONE 283-7879

April 2, 1985

Representative Mike Miller  
Chairman, House Judiciary Committee  
Pouch V  
Juneau, AK. 99811

Dear Representative Miller,

The Alaska Association of Chief's of Police at its annual meeting in March of 1985 endorsed the passage of House Bill 184. While this legislation would be somewhat limited in its application, it would be effective in dealing with major criminal enterprises.

We believe that the passage of this piece of legislation, in combination with passage of general conspiracy statute, would greatly enhance the enforcement and prosecutorial resources available to address criminal enterprises.

We request your support, and that of your committee, to accomplish this goal.

Sincerely,

Chief Richard A. Ross  
Kenai Police Dept.  
President Alaska Chief's of Police

RAR/mp

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: HB 194  
 Title: Discriminatory Harassment  
 Sponsor: Rules/Governor  
 Requestor: Governor  
 Date of Request: Feb. 5, 1985

**FISCAL DETAIL**

Agency Affected: Office of the Governor  
 Program Category Affected: \_\_\_\_\_  
 Due Process  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
 Human Rights Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>		-0-				
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-				

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-				
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Michael A. Nizich, Director Phone: 465-3544  
 Division: Administrative Services Date: 2/5/85  
 Approved by Commissioner: *Sandra J. Verma* Date: 2/5/85  
 Agency: Office of the Governor

Distribution (by Agency preparing fiscal note):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

7/1/84

**BILL SHEFFIELD, GOVERNOR**

## **HUMAN RIGHTS COMMISSION**

AGENCY HEADQUARTERS  
800 "A" STREET, SUITE 202  
ANCHORAGE, ALASKA 99501-3628  
(907) 276-7474

NORTHERN REGION  
675 SEVENTH AVENUE, STA H  
FAIRBANKS, ALASKA 99701  
(907) 452-1561

SOUTHCENTRAL REGION  
800 "A" STREET, SUITE 204  
ANCHORAGE, ALASKA 99501-3628  
(907) 274-4692

SOUTHEASTERN REGION  
POUCH AH  
314 GOLDSTEIN BUILDING  
JUNEAU, ALASKA 99811  
(907) 465-3560

March 6, 1986

The Honorable M. Mike Miller  
Chairman,  
House Judiciary Committee  
P.O. Box V  
Juneau, AK 99811

Re: CS for House Bill 194 (Judiciary)

Dear Representative Miller:

I have received and reviewed the proposed committee substitute for the original bill introduced at the request of the Commission by Governor Sheffield prohibiting certain offenses involving discriminatory harassment, HB 194.

This bill is the result of substantial effort on the part of the Human Rights Commission, the Anchorage Equal Rights Commission and members of a Task Force assembled by state and local commissions over the past two and one half years. This Task Force collected and studied incidents of discriminatory harassment in the state and determined that there was a need for legislation to deal with this problem.

The Alaska Human Rights Commission has advocated for legislation prohibiting acts of discriminatory harassment since 1981. HB 194 represents our third attempt at passage of such legislation. It appears that while all have agreed that this legislation is desirable, considerable debate has taken place about the technical approaches to incorporating the provisions of the criminal section of the bill into the existing criminal code. Most recently, members of your committee have raised concerns about the section of HB 194 which provided for escalation of sentences for criminal acts already punishable by presumptive sentencing. Within the Native community, we have heard serious objections voiced about the impact of presumptive sentencing on Alaska Natives. We are also sensitive to the problem of the increasing numbers of inmates in the correctional institutions and the enormous burden this places on the state. For these reasons we have been amenable to amending HB 194.

Quite simply, there is considerable frustration at this point in moving forward toward our goal of protecting Alaskans from acts of discriminatory harassment by passage of legislation which recognizes the special character of acts motivated by bigotry and prejudice.

Miller  
Page 2  
March 6, 1986

Nonetheless, the Commission supports the proposed judiciary committee substitute with the following comments:

First, we note that the protections in the committee substitute have been expanded to include sexual orientation. Since this protection was not included in HB 194 as originally proposed, the Commission has not considered this question. Eight years ago, the Alaska Human Rights Commission passed a motion endorsing the addition of "sexual preference" as a protected class to the agency's enabling legislation.

Second, we note that the requirement for the informational copy to the Commission of complaints filed under the remaining civil section has been deleted. The Commission feels strongly about this reporting requirement and urges its inclusion in the substitute bill.

Nationally, reporting provisions for this type of activity are deemed a critical factor in opposing the spread of racial and religious violence. The Alaska Commission and the Discriminatory Harassment Task Force have pledged to monitor incidents of discriminatory harassment in Alaska. The Commission's receipt of informational copies of court actions filed under the proposed committee substitute are essential to our objective. AS 18.80.060(5) gives the Commission the duty "to foster through community effort or goodwill, cooperation and conciliation among the groups and elements of the population of the state". The Commission and the Task Force will work together to develop educational programs based on the information collected as a result of this legislation.

Finally, the Commission hopes that passage of CS HB 194 (Judiciary) will create an awareness in the Legislature and throughout Alaska of a continuing need for even more comprehensive legislation on this subject. The Human Rights Commission, sadly enough, believes that we must increase our vigilance and redouble our efforts to combat the spread of bigotry and racism in Alaska.

Sincerely,

*Janet L. Bradley by AMF*

Janet L. Bradley  
Executive Director

JLB/b





# KENAI POLICE DEPT.

P.O. BOX 3173, KENAI, ALASKA 99611

TELEPHONE 283-7879

April 2, 1985

Representative Mike Miller  
Chairman, House Judiciary Committee  
Pouch V  
Juneau, AK. 99811

Dear Representative Miller,

The Alaska Association of Chief's of Police at its annual meeting in March of 1985 endorsed the passage of House Bill 184. While this legislation would be somewhat limited in its application, it would be effective in dealing with major criminal enterprises.

We believe that the passage of this piece of legislation, in combination with passage of general conspiracy statute, would greatly enhance the enforcement and prosecutorial resources available to address criminal enterprises.

We request your support, and that of your committee, to accomplish this goal.

Sincerely,

Chief Richard A. Ross  
Kenai Police Dept.  
President Alaska Chief's of Police

RAR/mp



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 13, 1985

The Honorable Ben Grussendorf  
Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that addresses the problem of discriminatory harassment -- that is, wrongful acts committed with the intent to intimidate or harass another because of the race, color, religion, national origin, or physical handicap of that person.

The bill does two things: (1) it establishes a private right of action called "discriminatory harassment" under which a person can bring a civil lawsuit for the damages caused by discriminatory acts, such as the painting of a swastika on a synagogue or on a person's home; and (2) it creates new presumptive and mandatory minimum criminal sentencing provisions to be used when crimes committed are motivated by this sort of discrimination. The thrust behind this bill is to properly identify the character of harassment and violence motivated by racial bias and religious bigotry and to increase the penalties for such acts because of that motivation.

More specifically, the first section of the bill creates a statutory private right of action under which a person can sue another for physical harm or property damage caused with the intent to intimidate or harass another person because of the sex, race, color, religion, national origin, or physical handicap of that person. The court may award actual and punitive damages to a prevailing plaintiff. Creating a special civil action such as this gives specific statutory authority for such an action, rather than the broad authority of common law. It also allows for easier tracking of lawsuits involving discriminatory harassment, because an informational copy of a complaint filed under this statute, along with the answer to it, is to be served on the executive director of the Alaska State Commission for Human Rights.

In the criminal law sections (secs. 2 -- 13 of the bill), the bill creates new presumptive and mandatory minimum sentencing provisions to address sentencing of these types of crimes with dependable consistency.

Under the state criminal code (AS 11 and AS 12), criminal conduct is classified according to its seriousness, and an appropriate penalty level is attached. This bill leaves this statutory scheme intact, but establishes mandatory minimum and presumptive terms that must be imposed if the defendant committed the offense with the intent to intimidate or harass another person because of the person's race, color, religion, national origin or physical handicap. The structure and theory behind this bill is similar to legislation passed in 1983 which established comparable sentences for assaults on a peace officer. (See AS 12.55.125(c)(2), (d) and (e); AS 12.55.135(d) and (e); AS 12.55.155(c)(13) and (e)).

Under current law, a person convicted of a first offense class A felony would ordinarily face a presumptive term of five years imprisonment. If the defendant's criminal act was motivated by discriminatory intent, this bill would require the imposition of a seven-year presumptive sentence. During a presumptive term, the offender is not eligible for probation or parole.

Under current law, presumptive terms are not imposed upon a first conviction for either a class B or class C felony. This bill imposes presumptive sentences upon first offenders convicted of class B or C felonies if the act was committed with discriminatory intent. The class B felony presumptive term is two years, and the class C felony presumptive term is one year.

If a person commits a class A misdemeanor with discriminatory intent, such as assault in the fourth degree, the defendant must be sentenced to serve at least 30 days in jail. Depending upon the defendant's prior criminal record and the facts of the offense, a court may impose up to the maximum of one year in jail.

If a defendant is convicted of a class B misdemeanor that was committed with discriminatory intent, the defendant must be sentenced to serve at least 10 days in jail. Again, depending upon the defendant's prior criminal record and the facts of the offense, a court may impose up to the maximum of 90 days in jail -- except in cases where a lesser maximum sentence is established by law, such as the 10-day maximum

that can be imposed for convictions of disorderly conduct under AS 11.61.110.

Under current law it is an "aggravating factor" in sentencing if the defendant knowingly directed the conduct constituting the offense at a victim because of that person's race, sex, color, creed, ancestry, or national origin. This bill, in sec. 7, adds religion and physical handicap to that list. A presumptive term may be increased if the court finds the existence of an aggravating factor.

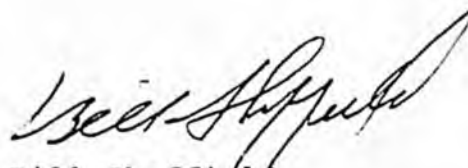
In practice, this aggravating factor may only be used to increase the sentence of a repeat offender, as an aggravating factor may not be considered if it is the same reason that a presumptive sentence must be imposed to begin with. Thus, a person being sentenced for a first felony offense who is facing a certain presumptive term because he committed a crime with discriminatory intent, could not also be subject to aggravation of his sentence for the same reason.

The amendments contained in sec. 5, 8, 9, and 13 are made to ensure that all provisions that deal with some aspect of presumptive sentencing refer to all of the presumptive terms found under AS 12.55.125. As the criminal code has been amended, and presumptive penalties have been added or changed, necessary conforming amendments were not always made or were not made completely. This bill cures past discrepancies, and eliminates the problem for the future, by simply substituting a general reference to "presumptive terms" in several statutes that now contain a list of specific subsections.

Finally the bill provides that the Alaska Court System keep a record of all civil actions and criminal sentencings involving discriminatory intent. In this way, the Human Rights Commission can keep track of the type and number of such incidents occurring in Alaska.

To discourage discriminatory conduct in Alaska and to treat this conduct with the severity and seriousness it deserves, I urge your prompt and favorable action on this bill.

Sincerely,



Bill Sheffield  
Governor

TERMS OF IMPRISONMENT AND AUTHORIZED FINES  
FIRST OFFENSES UNDER CRIMINAL CODE

<u>FELONY</u>	<u>TERMS OF IMPRISONMENT</u>
"A" felony	2½ - [5-7]* - 20
"B" felony	0 - [2]** - 20
"C" felony	0 - [1]*** - 5

KEY

Number in bracket is presumptive sentence.  
Number to left is lowest mitigated sentence.  
Number to right is highest aggravated sentence.

\*Five year presumptive term if first offense; a seven year presumptive term applies if first A felony conviction, other than manslaughter, and defendant possessed a firearm or used dangerous instrument or caused serious physical injury during the offense or knowingly directed the conduct at a uniformed peace officer or emergency responder engaged in official duties.

\*\*Two year presumptive sentence applies if first B felony conviction and defendant knowingly directed the conduct at a uniformed peace officer or emergency responder engaged in official duties.

\*\*\*One year presumptive sentence applies if first C felony conviction and defendant knowingly directed the conduct at a uniformed peace officer or emergency responder engaged in official duties.

<u>MISDEMEANOR</u>	<u>MAXIMUM TERM</u>
A misdemeanor	1 year
B misdemeanor	90 days

MAXIMUM FINES-PERSONS

<u>OFFENSE</u>	<u>FINE</u>
Sexual assault I,    conduct involving a controlled substance, murder or kidnapping	\$75,000
A, B, or C felony	\$50,000
A misdemeanor	\$ 5,000
B misdemeanor	\$ 1,000
Violation	\$ 300

MAXIMUM FINES-ORGANIZATIONS

All offenses - \$100,000 or 3 times pecuniary gain -  
whichever is greater

CLASSIFICATION OF OFFENSES IN CRIMINAL CODE

UNCLASSIFIED FELONIES

Murder I AS 11.41.100 20 - 99 years	Sexual assault I or sexual abuse of minor I AS 11.41.410 & AS 11.41.434
Murder II AS 11.41.110 5 - 99 years	First offense <u>not</u> involving firearms, use of dangerous instrument, or causing serious injury [8] - 30 years
Kidnapping AS 11.41.300 5 - 99 years	First offense involving one of the above [10] - 30 years
Misconduct involving controlled substance I AS 11.71.010 5 - 99 years	

CLASSIFIED FELONIES

A	B	C
Attempted murder I, sexual assault sexual assault of minor, misconduct involving a controlled substance I, kidnapping AS 11.31.100(d) (1)	Attempted A felony AS 11.31.100(d) (2)	Attempted B felony AS 11.31.100(d) (3)
Solicitation of murder, sexual assault I, sexual assault of a minor, misconduct involving a controlled substance II, kidnapping AS 11.31.110(c) (1)	Solicitation of A felony AS 11.31.110(c) (2)	Solicitation of B felony AS 11.31.110(c) (3)
	Assault II AS 11.41.210	Criminally negligent homicide AS 11.41.130
	Sexual assault II AS 11.41.420	Custodial interference I AS 11.41.320

CLASSIFIED FELONIES

A	B	C
Manslaughter AS 11.41.120	Unlawful exploitation of a minor AS 11.41.455	Sexual assault III AS 11.41.430
Assault I AS 11.41.200	Sexual abuse of minor II AS 11.41.436	Assault III AS 11.41.220
Robbery I AS 11.41.500	Robbery II AS 11.41.510	Sexual abuse of a minor III AS 11.41.438
Arson I AS 11.46.400	Extortion AS 11.41.520	Incest AS 11.41.450
Escape I AS 11.56.300	Theft I AS 11.46.120	Coercion AS 11.41.530
Criminal Possession of explosives with intent to commit murder or kidnapping AS 11.61.240(b) (1)	Issuing a bad checks, \$25,000 or more AS 11.46.280(d) (1)	Theft II AS 11.46.130
Promoting person under 16 to engage in prostitution AS 11.66.110(a) (2)	Burglary I AS 11.46.300	Concealment of merchandise, \$500 or more AS 11.46.220(c) (1)
Misconduct involving controlled substance II AS 11.71.020	Arson II AS 11.46.410	Removal of identification marks, \$500 or more AS 11.46.260(b) (1)
	Criminal mischief I AS 11.46.480	Unlawful possession (of altered property), \$500 or more AS 11.46.270(b) (1)
	Forgery I AS 11.46.500	



CLASSIFIED FELONIES

B

C

Scheme to defraud  
AS 11.46.600

Defrauding creditors,  
\$25,000 or more  
AS 11.46.730(c) (1)

Bribery  
AS 11.56.100

Receiving a bribe  
AS 11.56.110

Perjury  
AS 11.56.200

Escape II  
AS 11.56.310

Interference with  
official proceedings  
AS 11.56.510

Receiving a bribe by  
Witness or juror  
AS 11.56.520

Criminal possession of  
explosives with intent  
to commit A felony  
AS 11.61.240(b) (2)

Promoting prostitution I  
AS 11.66.110

Issuing a bad check, \$500  
or more  
AS 11.461280(d) (2)

Fraudulent use of a credit  
card, \$500 or more  
AS 11.46.285(b) (1)

Obtaining a credit card by  
fraudulent means  
AS 11.46.290

Burglary II  
AS 11.46.310

Criminal Mischief II  
AS 11.46.482

Forgery  
AS 11.46.505

Criminal possession of  
forgery device  
AS 11.46.520

Criminal simulation \$500  
or more  
AS 11.46.530(b) (1)

Offering a false instrument  
for recording  
AS 11.46.550

CLASSIFIED FELONIES

B

C

Misconduct involving  
controlled substance III  
AS 11.71.030

Delivery of imitative  
controlled substance  
AS 11.73.030

Misapplication of property  
\$500 or more  
AS 11.46.620

Falsifying business records  
AS 11.46.630

Commercial bribe receiving  
AS 11.46.660

Commercial bribery  
AS 11.46.670

Defrauding creditors,  
\$500 - \$25,000  
AS 11.46.730(c)(2)

Criminal use of computer  
AS 11.46.740

Endangering welfare of minor  
AS 11.51.100

Perjury by inconsistent  
statements  
AS 11.56.230

Escape III  
AS 11.56.320

Permitting an escape  
AS 11.56.370

Promoting contraband I  
AS 11.56.375

CLASSIFIED FELONIES

C

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Tampering with witness I  
AS 11.56.540

Jury tampering  
AS 11.56.590

Misconduct by a juror  
AS 11.56.600

Tampering with physical evidence  
AS 11.56.610

Harming a police dog I  
AS 11.56.705

Hindering prosecution I  
AS 11.56.770

False Accusation  
AS 11.56.805

Terroristic threatening  
AS 11.56.810

Riot  
AS 11.61.100

Distribution of child pornography  
AS 11.61.125

Promoting an exhibition of  
fighting animals  
AS 11.61.145(a)(1) & (2)

CLASSIFIED FELONIES

C

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Misconduct involving weapons I  
AS 11.61.200

Criminal possession of explosives  
with intent to commit B felony  
AS 11.61.240(b) (3)

Unlawful furnishings of explosives  
AS 11.61.250

Promoting prostitution II  
AS 11.66.120

Promoting gambling I  
AS 11.66.210

Possession of gambling records I  
AS 11.66.230

Misconduct involving controlled  
substance IV  
AS 11.71.040

Manufacture or delivery of  
imitation controlled substances  
AS 11.73.01C

Possession of substance with  
intent to manufacture imitation  
controlled substance  
AS 11.73.020

Advertisement to promote delivery  
of controlled substance  
AS 11.73.04C



Alaska Court System  
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

KARLA L. FORSYTHE  
General Counsel

303 K Street  
Anchorage, AK 99501

March 7, 1985

Representative Mike Miller  
Chair, House Judiciary Committee  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Representative Miller:

I am writing with regard to HB 194, an act relating to sentencing for certain offenses involving discriminatory harassment, which is presently before the House Judiciary Committee.

This bill establishes a private right of action under which a person can bring a civil lawsuit for damages caused by discriminatory acts. It also creates new presumptive and mandatory minimum criminal sentencing provisions to be used when crimes committed are motivated by discrimination of this type.

Under Section 12 of the proposed legislation, the administrative director of the Alaska Court System is required to report annually to the Alaska Human Rights Commission about both civil suits brought under the proposed statute, and about cases involving sentences imposed which take into account discriminatory harassment. The report must include the number of cases, the types of civil action brought and the amount of damages awarded, the types of crimes involved and sentences imposed, and the geographical distribution of the cases.

Adoption of this section would impose a tremendous clerical burden on the courts. Under current procedures the court system does not have the ability to track this information, so a completely new system would have to be devised. Proper reporting depends on proper identification of the cases involved, which may not always be apparent from pleadings or a judgment. The courts with the bulk of case filings are not automated, so this procedure would have to be accomplished manually. Proposed AS 09.55.650(c) requires that informational copies of a complaint

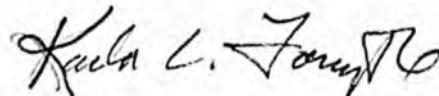
and answer filed under this section must be filed with the Human Rights Commission so to a large extent the court's reporting activities would be duplicative.

Additionally, this provision appears to violate the doctrine of separation of powers. The judicial branch would be required to report to the Human Rights Commission for a purpose unrelated to the court's primary function. The governor's transmittal letter states that "in this way, the Human Rights Commission can keep track of the type and number of such incidents occurring in Alaska." As a practical matter it is unclear what action, if any, the commission would take regarding this information. Also, if the commission is primarily concerned about the extent of discriminatory harassment, court records would reflect only a minor proportion of incidents of this nature.

For these reasons, the court system is opposed to section 12. When this bill is scheduled for hearing before the committee, I would appreciate the opportunity to testify, at which time I will be glad to provide further details about the extent of the burden this new procedure would create for the courts.

Thank you for your consideration of these comments.

Sincerely,



Karla L. Forsythe  
General Counsel

KLF:smh

cc: Arthur H. Snowden, II  
Art Peterson, Assistant Attorney General

Anch. Daily News Sept. 11, 1985

# Suspect on trial in clubbing death

By SHEILA TOOMEY  
Daily News reporter

One of two men accused of letting a 55-year-old carpenter pick them up in a bar so they could rob him went on trial for murder Tuesday in Anchorage Superior Court.

Charles Cole, 21 and Matthew Decker, 19, are charged with first-degree murder in the April 3 death of Ray Barker, found clubbed to death in his trailer home at 3440 E. 64 Ave. Cole and Decker were arrested the next day.

In his opening statement against Cole on Tuesday, Assistant District Attorney Gail Fratles said the two defendants were broke and went looking for a victim among homosexual men who frequent several downtown bars.

"They decided to troll a gay bar and pick up somebody and rob them," he said.

"They killed Barker deliberately, he said, and then complained because they got only \$20, a television and Barker's truck.

But defense attorney Mark

Ashburn said the two men played different roles in the crime. Decker, not Cole, set the plan in motion, he said. Decker, not Cole, had a history of going home with gay men and robbing their homes in the middle of the night.

Cole was out of the room when the killing blows were struck, Ashburn said.

The two men found Barker earlier that evening at The Raven, a bar on Gambell Street, and arranged to meet him at another bar, The Jade Room, Fratles said. Barker was "a great big bear of a man . . . a rather gentle, friendly person" who befriended street people "and not necessarily for sexual purposes."

He took the men home and cooked them a fried chicken and green bean dinner. During the dinner, said Ashburn, Barker asked his guests if they "were into sexual activities."

Here the prosecution and defense versions of what hap-

pened that night diverge.

## Suspect

Continued from Page C-1

pened that night diverge. Fratles told jurors Decker left the table at a pre-arranged signal, got a weapon from another part of the home, came up behind Barker and brought the club down on his head five times, crushing his skull and killing him.

The murder weapon was a willow branch, about 18 inches long, with a large knot at one end.

But the defense argued Cole was just an observer and left the room while Barker was still alive, after two blows had been struck. When he came back, having cut the telephone cord, the victim was lying in a pool of blood with a rug over his head, Ashburn said.

Color slides taken at the death scene show Barker sprawled on his back, his overturned chair nearby and his dinner napkin still clutched in his hand.

In Ashburn's version, Decker robbed the house and the two drove off in Barker's blue, three-quarter ton pickup, later recovered by police in Bootlegger's Cove.

The day after the murder, someone telephoned Crimestoppers and reported two people he knew were boasting about having robbed and beaten a man. Police put a hidden transmitter on the informant and recorded a conversation between him and the two defendants, which led to their arrest.

Ashburn said the recording will show that the two men did not intend to kill Barker, that they thought they left him alive.

Fratles told jurors the five blows to the victim's head is proof they intended to kill.

Intentional murder — first-degree murder — carries a prison term of from 20 to 30 years. Unintentional killing during the commission of a felony is second-degree murder and carries a prison term of from 5 to 20 years.

The trial continues today before Judge Mark Rowland.

# Jury finds Cole guilty of man's murder

By DON HUNTER  
Daily News reporter

A Superior Court jury found Charles Cole guilty of first-degree murder Saturday afternoon in the April 3 slaying of 55-year-old Ray Barker.

Prosecutors said Cole, 21, and 19-year-old Matthew Decker had lured Barker, a carpenter, from a downtown bar that caters to homosexuals so they could rob him, and murdered him in the process.

As well as first-degree murder, the jury returned guilty verdicts on counts of second-degree murder and robbery. The first-degree conviction supersedes the second-degree conviction.

The first-degree murder conviction carries a penalty of from 20 years to 99 years in prison.

Cole's sentencing date will

be scheduled on Monday.

The jury had been deliberating on the verdict since being sequestered Friday.

Decker has not yet been tried.

Barker took Decker and Cole to his home and cooked dinner for them. Prosecutor Gail Fratles said during the three-day trial.

While Barker was seated at the table, Decker slipped behind him and clubbed him to death with a willow branch he found in Barker's home, Fratles said.

"Is there anything more pathetic than this man laying out a table for these savages and being struck down at his dinner table?" Fratles asked the jury during closing arguments Friday.

Although he conceded Cole

See Page B3 COLE

## Cole found guilty of murder

Continued on Page B3

had not actually struck the blows, Fratles argued Cole should be found guilty of first-degree murder because he had cut a telephone line after the slaying so Barker, if still alive, could not call for help.

Fratles said that showed Cole wanted Barker to die.

Defense attorney Mark Ashburn argued that, at most, Cole should be found guilty of theft. He said Cole had no reason to believe Decker intended to kill Barker.

The person that struck the

blow that caused the death is responsible for the killing," Ashburn said. "This is not Matt Decker's trial."

Fratles produced witnesses who testified that Cole and Decker worked as a team. Decker would lure homosexual men from bars and lead them to a secluded place where he and Cole would rob them, the witnesses said.

Fratles also produced a secretly recorded tape made shortly after Barker's death by an acquaintance of Decker and Cole. On the tape, the two bragged of having robbed and beaten a man.



\* ORIGINAL  
\* SENT: 03/26/85 TIME: 15:13  
\* FROM: NICHELE MORSETH  
\* SUBJECT: POM - HB194  
\* PRINT DATE: 03/26/85 TIME: 15:19  
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16  
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TO: HOUSE JUDICIARY COMMITTEE  
REPS: M.M. MILLER, SUND, GRUENBERG, TAYLOR, CLOCKSIN,  
PETTYJOHN, PHILLIPS

INTERIOR DELEGATION  
REPS: DAVIS, KOPONEN, M.W. MILLER, RINGSTAD, FRANK  
SENS: BENNETT, FAHRENKAMP, COGHILL

FROM: BARBARA J. STALEY  
CHAIR, HUMAN RIGHTS COMMISSION, CITY OF FAIRBANKS  
PO BOX 832  
FBX 99707

PHONE: 479-0166

RE: HOUSE JUDICIARY T/C ON HB 194 - DISCRIMINATORY  
HARRASSMENT

MSG: IT WAS WITH DISMAY AND SOME CONSTERNATION THAT A  
PUBLISHED HEARING CONCERNING HB 194 WAS ARBITRARILY AND WITHOUT  
PRIOR NOTICE CUT SHORT AND PERSONS WHO HAD TAKEN OFF WORK IN  
ORDER TO TESTIFY WERE NOT GIVEN THAT OPPORTUNITY - I PROTEST  
THAT ARBITRARY ACTION.

*Handwritten notes:*  
L.D.  
3/26/85  
94  
↑



## The Association For Stranded Rural Alaskans In Anchorage

(907) 277-7043  
Serving Rural Alaskans  
, President

2701 Denali Street, Suite 1  
Anchorage, Alaska 99503  
Mary Wolcoff, Executive Director

April 8, 1986

HOUSE OF REPRESENTATIVE  
Attention: Mike M. Miller  
P.O. Box V  
Juneau, Alaska 99811

Subject: HB 194 Discriminatory Harassment

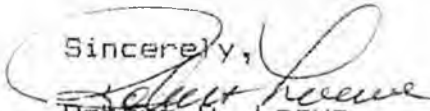
Dear Representative Miller:

I am writing to urge you to support the passage of HB 194 which is an Act relating to a cause of action and sentencing for certain offenses involving discriminatory harassment.

It is appalling to me that certain behaviors exhibited by certain segments of our society necessitate this protection. Nonetheless, as a former law enforcement officer, I am all too aware of the reality that those incidents of racial terrorism do happen and our communities around the state are reporting increased activity of this nature.

This bill, in my opinion, is directly specific in its intent to provide a statutory remedy that might otherwise be hidden in a more vast and vague generality of the law. The passage of this bill will bring into focus and enhance the respect for cultural differences, lifestyles and living standards afforded every Alaskan in accordance with constitutional mandates.

Sincerely,

  
Robert R. Loewe

Crime Prevention Specialist

ASRAA

Member of the Discriminatory Harassment Task Force

cc: Alaska State Human Rights Commission  
File



United Way Agency