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Sponsor Statement SB 246 “Relating to the Hate Crimes”

Senate Bill 246 is being introduced to address the abomination of hate crimes in Alaska. This bill is not new. I introduced similar legislation (SB 163) during the 21st legislative session which did not make it through the process before end of session.

Crimes motivated by prejudice, bias, or hatred continue to make the headlines in our newspapers. It is inherent in our duties as leaders to take a substantive role in eliminating discrimination and fostering a climate of tolerance.

Senate Bill 246 alone cannot eliminate bias/hate –motivated crimes, but Senate Bill 246 sends the message that Alaskans will not tolerate bias/hate-motivated crime in any form.

This bill does the following:

First, it provides that a person may bring a civil lawsuit for both compensatory and punitive damages against another who has caused physical injury or damage to property, with the intent to harass the person because of actual or perceived race, sex, color, creed, physical or mental disability, sexual orientation, ancestry, or national origin. A lawsuit may be brought against the parent or legal guardian of a minor who has caused physical injury or damage if it is based on reckless conduct by the parent or legal guardian.

Second, it adopts a new crime, motivation by prejudice, bias, or hatred, AS11.76.200. It provides that any crime in Title 11 that is knowingly directed toward a victim because of the victim’s actual or perceived race, sex, color, creed, physical or mental disability, sexual orientation, ancestry, or national origin, is elevated to the next higher level of offense. For example, a class B felony, such as assault in the second degree, would be a class A felony if motivated by prejudice, bias, or hatred.

Third, a sentencing court *may not* suspend imposition of sentence for a person convicted of motivation by prejudice, bias, or hatred, or convicted of any offense that is knowingly directed at a victim.

Fourth, a person convicted of a class A felony, may be sentenced to a term of imprisonment of at least five years but not more than 99 years.

Fifth, the bill establishes mandatory minimum terms of imprisonment for certain misdemeanor hate crimes that are not prosecuted under AS 11.76.200, but where the court finds clear and

convincing evidence that the offense is a hate crime. If a person is sentenced to these mandatory minimums, the sentence may not be suspended or reduced, and imposition of sentence may not be suspended.

Sixth, the bill amends the aggravating factor in sentencing felony cases directed at a victim because of crimes motivated by bias, prejudice or hatred.

Seventh, the bill requires the Department of Health and Social Services, when taking informal action in a delinquency case based on prejudice, bias, or hatred, to require the minor to perform a minimum of 100 hours of community work, and to participate in a diversity tolerance program or otherwise provide the minor and the minor's parents or guardian with the opportunity to develop respect for the ethnic, cultural, and personal diversity of all persons of the state.

This bill reflects our values and signals that crimes motivated by hate are especially reprehensible.