

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1598

By: Gumm

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; creating
8 the Human Trafficking Act; providing short title;
9 making human trafficking a crime; stating penalty;
10 creating crime of aggravated human trafficking;
11 setting enhanced penalty; defining crime of promoting
12 sex tourism; stating penalty; directing restitution;
13 providing an affirmative defense; authorizing certain
14 forms and statements for victim to obtain certain
15 visa within certain time period; providing for
16 codification; and declaring an emergency.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 870 of Title 21, unless there is
20 created a duplication in numbering, reads as follows:

21 This act shall be known and may be cited as the "Human
22 Trafficking Act".

23 SECTION 2. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 870.1 of Title 21, unless there
is created a duplication in numbering, reads as follows:

1 A. It shall be unlawful for any person to recruit, harbor,
2 transport, or obtain a person for the purpose of forced labor or
3 forced sexual exploitation by:

4 1. Causing or threatening to cause serious harm to any person;

5 2. Physically restraining or threatening to physically restrain
6 another person;

7 3. Abusing or threatening to abuse the law or legal process;

8 4. Knowingly destroying, concealing, removing, confiscating, or
9 possessing any actual or purported passport or other immigration
10 document, or any other actual or purported government identification
11 document, of another person; or

12 5. Blackmail.

13 B. Any person who violates any provision of this section shall
14 be guilty of the crime of human trafficking, which is a felony, upon
15 conviction, punishable by imprisonment in the custody of the
16 Department of Corrections for a term of not more than five (5)
17 years, or by a fine not to exceed Five Hundred Thousand Dollars
18 (\$500,000.00), or by both such fine and imprisonment.

19 C. Any person who is convicted of any second or subsequent
20 offense of human trafficking, or where any offense of human
21 trafficking involves two or more victims, or any offense of human
22 trafficking causes a victim to be used in forced labor or servitude
23 for thirty (30) days or more, or causes injury or death to a victim
24 of human trafficking, shall be guilty of aggravated human

1 trafficking and shall be punished by imprisonment in the custody of
2 the Department of Corrections for a term of not less than five (5)
3 years nor more than life imprisonment, or by a fine not less than
4 Ten Thousand Dollars (\$10,000.00) nor more than Five Hundred
5 Thousand Dollars (\$500,000.00), or by both such fine and
6 imprisonment.

7 D. Any person who plans, supports or participates in human
8 trafficking for the purpose of offering prostitution or offering or
9 maintaining a place for prostitution in this state, or who plans,
10 encourages, supports, solicits, promotes, or participates in any act
11 to facilitate or encourage another person to leave or enter this
12 state for the purpose of patronizing a prostitute shall, upon
13 conviction, be guilty of the crime of promoting sex tourism. The
14 violator, upon conviction, shall be punished by imprisonment in the
15 custody of the Department of Corrections for a term of not less than
16 seven (7) years nor more than twenty (20) years and a fine not
17 exceeding One Hundred Thousand Dollars (\$100,000.00).

18 E. The court shall order restitution to the victim of human
19 trafficking, including the value to the offender of the victim's
20 labor or services.

21 F. In any civil action by a victim of human trafficking against
22 a violator of this section, the court may award attorney fees and
23 costs, and impose punitive damages.

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1 G. In a criminal prosecution of a violation of this section,
2 the defendant may offer as an affirmative defense or a mitigating
3 factor that the defendant participated in the crime because he or
4 she was the victim of human trafficking.

5 H. Within fifteen (15) days of the first encounter with a
6 victim of human trafficking, the law enforcement agency shall
7 provide the victim of a human trafficking offense the completed
8 forms and statements authorized by federal law for victims of human
9 trafficking to obtain any necessary visa and to return to their
10 place of origination.

11 SECTION 3. It being immediately necessary for the preservation
12 of the public peace, health and safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

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