

1 ENGROSSED SENATE
2 BILL NO. 2258

By: Jolley, Gumm and Johnson
(Constance) of the Senate

3 and

4 Terrill of the House

5
6 [crimes and punishments - Greater Protecting Victims
7 of Human Trafficking Act of 2010 - prohibiting
8 destruction of documentation papers - establishing
9 emergency hotline - posting rights of victims -
10 noncodification -

11 effective date]

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

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SECTION 1. NEW LAW A new section of law not to be

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codified in the Oklahoma Statutes reads as follows:

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This act shall be known and may be cited as the "Greater

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Protecting Victims of Human Trafficking Act of 2010".

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SECTION 2. AMENDATORY Section 3, Chapter 112, O.S.L.

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2007 (21 O.S. Supp. 2009, Section 446), is amended to read as

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follows:

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Section 446. A. It shall be unlawful for any person to

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transport, move, or attempt to transport in the State of Oklahoma

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any alien knowing or in reckless disregard of the fact that the

1 alien has come to, entered, or remained in the United States in
2 violation of law, in furtherance of the illegal presence of the
3 alien in the United States.

4 B. It shall be unlawful for any person to conceal, harbor, or
5 shelter from detection any alien in any place within the State of
6 Oklahoma, including any building or means of transportation, knowing
7 or in reckless disregard of the fact that the alien has come to,
8 entered, or remained in the United States in violation of law.

9 C. It shall be unlawful for any person to intentionally
10 destroy, hide, alter, abscond with or keep documentation, including
11 birth certificates, visas, passports, green cards or other documents
12 utilized in the regular course of business to either verify or
13 legally extend an individual's legal status within the United States
14 for the purpose of trafficking a person in violation of Section 748
15 of this title.

16 D. Nothing in this section shall be construed so as to prohibit
17 or restrict the provision of any state or local public benefit
18 described in 8 U.S.C., Section 1621(b), or regulated public health
19 services provided by a private charity using private funds.

20 ~~D.~~ E. Any person violating the provisions of subsections A ~~or~~,
21 B or C of this section shall, upon conviction, be guilty of a felony
22 punishable by imprisonment in the custody of the Department of
23 Corrections for not less than one (1) year, or by a fine of not less
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1 than One Thousand Dollars (\$1,000.00), or by both such fine and
2 imprisonment.

3 SECTION 3. AMENDATORY Section 2, Chapter 134, O.S.L.
4 2008 (21 O.S. Supp. 2009, Section 748.2), is amended to read as
5 follows:

6 Section 748.2 A. Human trafficking victims shall:

7 1. Be housed in an appropriate shelter as soon as practicable;

8 2. Not be detained in facilities inappropriate to their status
9 as crime victims;

10 3. Not be jailed, fined, or otherwise penalized due to having
11 been trafficked;

12 4. Receive prompt medical care, mental health care, food, and
13 other assistance, as necessary;

14 5. Have access to legal assistance, information about their
15 rights, and translation services, as necessary; and

16 6. Be provided protection if the safety of the victim is at
17 risk or if there is a danger of additional harm by recapture of the
18 victim by a trafficker, including:

19 a. taking measures to protect trafficked persons and
20 their family members from intimidation and threats of
21 reprisals, and

22 b. ensuring that the names and identifying information of
23 trafficked persons and their family members are not
24 disclosed to the public.

1 B. Any person who is a victim of human trafficking may file a
2 civil action against the alleged perpetrator or perpetrators in
3 state court. The court may award actual damages, punitive damages,
4 reasonable attorney fees, and other costs reasonably incurred. Any
5 civil action filed pursuant to this subsection shall be stayed
6 during the pendency of any criminal action arising out of the same
7 occurrence in which the claimant is the victim.

8 C. Upon availability of funds, the Attorney General is
9 authorized to establish an emergency hotline number for victims of
10 human trafficking to call in order to request assistance or rescue.
11 The Attorney General is authorized to enter into agreements with the
12 county departments of health to require posting of the rights
13 contained in this section along with the hotline number for
14 publication in locations as directed by the State Department of
15 Health.

16 SECTION 4. AMENDATORY 21 O.S. 2001, Section 1488, is
17 amended to read as follows:

18 Section 1488. Blackmail is verbally or by written or printed
19 communication and with intent to extort or gain any thing of value
20 from another or to compel another to do an act against his or her
21 will:

22 1. Accusing or threatening to accuse any person of a crime or
23 conduct which would tend to degrade and disgrace the person accused;
24 ~~or~~

