

SB 2258

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THE STATE SENATE
Monday, February 22, 2010

Senate Bill No. 2258
As Amended

SENATE BILL NO. 2258 - By: Jolley and Gumm of the Senate and Terrill of the House.

[crimes and punishments - Greater Protecting Victims of Human Trafficking Act of 2010 - prohibiting destruction of documentation papers - establishing emergency hotline - posting rights of victims - noncodification - effective date]

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Greater Protecting Victims of Human Trafficking Act of 2010".

SECTION 2. AMENDATORY Section 3, Chapter 112, O.S.L. 2007 (21 O.S. Supp. 2009, Section 446), is amended to read as follows:

Section 446. A. It shall be unlawful for any person to transport, move, or attempt to transport in the State of Oklahoma any alien knowing or in reckless disregard of the fact that the alien has come to, entered, or remained in the United States in violation of law, in furtherance of the illegal presence of the alien in the United States.

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

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

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

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

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

4 Section 748.2 A. Human trafficking victims shall:

- 5 1. Be housed in an appropriate shelter as soon as practicable;
- 6 2. Not be detained in facilities inappropriate to their status
7 as crime victims;
- 8 3. Not be jailed, fined, or otherwise penalized due to having
9 been trafficked;
- 10 4. Receive prompt medical care, mental health care, food, and
11 other assistance, as necessary;
- 12 5. Have access to legal assistance, information about their
13 rights, and translation services, as necessary; and
- 14 6. Be provided protection if the safety of the victim is at
15 risk or if there is a danger of additional harm by recapture of the
16 victim by a trafficker, including:
 - 17 a. taking measures to protect trafficked persons and
18 their family members from intimidation and threats of
19 reprisals, and
 - 20 b. ensuring that the names and identifying information of
21 trafficked persons and their family members are not
22 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:

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

3 ~~or~~

4 2. Exposing or threatening to expose any fact, report or
5 information concerning any person which would in any way subject
6 such person to the ridicule or contempt of society~~;~~ or

7 3. Threatening to report a person as being illegally present in
8 the United States, and is coupled with the threat that such
9 accusation or exposure will be communicated to a third person or
10 persons unless the person threatened or some other person pays or
11 delivers to the accuser or some other person some thing of value or
12 does some act against his or her will. Blackmail is a felony
13 punishable by imprisonment in the State Penitentiary for not to
14 exceed five (5) years or fine not to exceed Ten Thousand Dollars
15 (\$10,000.00) or by both such imprisonment and fine.

16 SECTION 5. This act shall become effective November 1, 2010.

17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-17-10 - DO
18 PASS, As Amended and Coauthored.