

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 2258

By: Jolley

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5  
6 AS INTRODUCED

7 An Act relating to crimes and punishments; creating  
8 the Greater Protecting Victims of Human Trafficking  
9 Act of 2010; amending Section 3, Chapter 112, O.S.L.  
10 2007 (21 O.S. Supp. 2009, Section 446), which relates  
11 to transport of aliens; prohibiting the destruction  
12 of documentation papers; amending Section 2, Chapter  
13 134, O.S.L. 2008 (21 O.S. Supp. 2009, Section 748.2),  
14 which relates to human trafficking victim guidelines;  
15 authorizing establishment of an emergency hotline for  
16 human trafficking victims; authorizing posting of  
17 rights of victims; amending 21 O.S. 2001, Section  
18 1488, which relates to blackmail; modifying actions  
19 that constitute blackmail; providing for  
20 noncodification; and providing an effective date.

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

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

24 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:

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

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

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

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

22 ~~D.~~ E. Any person violating the provisions of subsections A ~~or~~,  
23 B or C of this section shall, upon conviction, be guilty of a felony  
24 punishable by imprisonment in the custody of the Department of

1 Corrections for not less than one (1) year, or by a fine of not less  
2 than One Thousand Dollars (\$1,000.00), or by both such fine and  
3 imprisonment.

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

7 Section 748.2 A. Human trafficking victims shall:

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

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

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

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

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

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

20 a. taking measures to protect trafficked persons and  
21 their family members from intimidation and threats of  
22 reprisals, and  
23  
24

1           b.    ensuring that the names and identifying information of  
2                   trafficked persons and their family members are not  
3                   disclosed to the public.

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

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

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

21           Section 1488.   Blackmail is verbally or by written or printed  
22   communication and with intent to extort or gain any thing of value  
23   from another or to compel another to do an act against his or her  
24   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.

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