

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2314

By: Jolley

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5  
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending  
8 Section 1, Chapter 134, O.S.L. 2008 (21 O.S. Supp.  
9 2009, Section 748), which relates to human  
trafficking; clarifying statutory reference; and  
providing an effective date.

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

13 SECTION 1. AMENDATORY Section 1, Chapter 134, O.S.L.  
14 2008 (21 O.S. Supp. 2009, Section 748), is amended to read as  
15 follows:

16 Section 748. A. As used in ~~this act~~ Sections 748 and 748.2 of  
17 this title:

18 1. "Human trafficking" refers to modern-day slavery that  
19 includes, but is not limited to, extreme exploitation and the denial  
20 of freedom or liberty of an individual;

21 2. "Human trafficking for forced labor" includes, but is not  
22 limited to, forced labor in households, agricultural fields,  
23 sweatshops, and any other workplace; and

1           3. "Human trafficking for forced sexual exploitation" includes,  
2 but is not limited to, all forms of forced commercial sexual  
3 activity such as forced sexually explicit performances, forced  
4 prostitution, forced participation in the production of pornography,  
5 forced performance in strip clubs and forced exotic dancing or  
6 display.

7           B. A person commits the crime of human trafficking for forced  
8 labor or forced sexual exploitation if the person recruits, harbors,  
9 transports or obtains a person through the use of force, fraud or  
10 coercion by:

11           1. Threats of serious harm or physical restraint against that  
12 person or another person;

13           2. Destroying, concealing, removing, confiscating, or  
14 possessing any passport, immigration documents, or other government  
15 identification document;

16           3. Abuse or threatened abuse of the law or legal process; or

17           4. Means of any scheme, plan or pattern intended to cause the  
18 person to believe that the person or another person would suffer  
19 serious harm or physical restraint or if the person benefits,  
20 financially or by receiving anything of value, from participation in  
21 a venture that has engaged in an act of human trafficking.

22           C. Any person violating the provisions of this section shall,  
23 upon conviction, be guilty of a felony punishable by imprisonment in  
24 the custody of the Department of Corrections for not less than five

1 (5) years, or by a fine of not more than Ten Thousand Dollars  
2 (\$10,000.00), or by both such fine and imprisonment. Any person  
3 violating the provisions of this section where the victim of the  
4 offense is under fourteen (14) years of age at the time of the  
5 offense shall, upon conviction, be guilty of a felony punishable by  
6 imprisonment in the custody of the Department of Corrections for not  
7 less than ten (10) years, or by a fine of not more than Twenty  
8 Thousand Dollars (\$20,000.00), or by both such fine and  
9 imprisonment. The court shall also order the defendant to pay  
10 restitution to the victim as provided in Section 991f of Title 22 of  
11 the Oklahoma Statutes.

12 D. It is an affirmative defense to prosecution for a criminal  
13 offense that, during the time of the alleged commission of the  
14 offense, the defendant was a victim of human trafficking.

15 SECTION 2. This act shall become effective November 1, 2010.

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