

1 ENGROSSED HOUSE
2 BILL NO. 2518

By: Kern, Denney, Nelson,
Tibbs, Ownbey and Nollan of
the House

3
4 and

Brecheen of the Senate

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7
8 An Act relating to crimes and punishments; amending
9 21 O.S. 2011, Section 748, which relates to human
10 trafficking; modifying certain definition;
11 prohibiting use of certain defense; and providing an
12 effective date.

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

14 SECTION 1. AMENDATORY 21 O.S. 2011, Section 748, is
15 amended to read as follows:

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

18 1. "Coercion" means compelling, forcing or intimidating a
19 person to act by:

20 a. threats of harm or physical restraint against any
21 person,

22 b. any act, scheme, plan, or pattern intended to cause a
23 person to believe that performing, or failing to
24 perform, an act would result in serious physical,

- 1 financial, or emotional harm or distress to or
2 physical restraint against any person,
- 3 c. the abuse or threatened abuse of the law or legal
4 process,
- 5 d. knowingly destroying, concealing, removing,
6 confiscating or possessing any actual or purported
7 passport, labor or immigration document, or other
8 government identification document, including but not
9 limited to a driver license or birth certificate, of
10 another person,
- 11 e. facilitating or controlling a person's access to any
12 addictive or controlled substance other than for legal
13 medical purposes,
- 14 f. blackmail,
- 15 g. demanding or claiming money, goods, or any other thing
16 of value from or on behalf of a prostituted person
17 where such demand or claim arises from or is directly
18 related to the act of prostitution,
- 19 h. determining, dictating or setting the times at which
20 another person will be available to engage in an act
21 of prostitution with a third party,
- 22 i. determining, dictating or setting the places at which
23 another person will be available for solicitation of,
24

1 or to engage in, an act of prostitution with a third
2 party, or

3 j. determining, dictating or setting the places at which
4 another person will reside for purposes of making such
5 person available to engage in an act of prostitution
6 with a third party;

7 2. "Commercial sex" means any form of commercial sexual
8 activity such as sexually explicit performances, prostitution,
9 participation in the production of pornography, performance in a
10 strip club, or exotic dancing or display;

11 3. "Debt bondage" means the status or condition of a debtor
12 arising from a pledge by the debtor of his or her personal services
13 or of those of a person under his or her control as a security for
14 debt if the value of those services as reasonably assessed is not
15 applied toward the liquidation of the debt or the length and nature
16 of those services are not respectively limited and defined;

17 4. "Human trafficking" means modern-day slavery that includes,
18 but is not limited to, extreme exploitation and the denial of
19 freedom or liberty of an individual for purposes of deriving benefit
20 from that individual's commercial sex act or labor;

21 5. "Human trafficking for labor" means:

22 a. recruiting, enticing, harboring, maintaining,
23 transporting, providing or obtaining, by any means,
24 another person through deception, force, fraud, threat

1 or coercion or for purposes of engaging the person in
2 labor, or

3 b. benefiting, financially or by receiving anything of
4 value, from participation in a venture that has
5 engaged in an act of trafficking for labor;

6 6. "Human trafficking for commercial sex" means:

7 a. recruiting, enticing, harboring, maintaining,
8 transporting, providing or obtaining, by any means,
9 another person through deception, force, fraud, threat
10 or coercion for purposes of engaging the person in a
11 commercial sex act, ~~or~~

12 b. recruiting, enticing, harboring, maintaining,
13 transporting, providing, purchasing or obtaining, by
14 any means, a minor for purposes of engaging the minor
15 in a commercial sex act, or

16 c. benefiting, financially or by receiving anything of
17 value, from participating in a venture that has
18 engaged in an act of trafficking for commercial sex;

19 7. "Legal process" means the criminal law, the civil law, or
20 the regulatory system of the federal government, any state,
21 territory, district, commonwealth, or trust territory therein, and
22 any foreign government or subdivision thereof and includes legal
23 civil actions, criminal actions, and regulatory petitions or
24 applications; and

1 8. "Minor" means an individual under eighteen (18) years of
2 age.

3 B. It shall be unlawful to knowingly engage in human
4 trafficking.

5 C. Any person violating the provisions of this section shall,
6 upon conviction, be guilty of a felony punishable by imprisonment in
7 the custody of the Department of Corrections for not less than five
8 (5) years, or by a fine of not more than Ten Thousand Dollars
9 (\$10,000.00), or by both such fine and imprisonment. Any person
10 violating the provisions of this section where the victim of the
11 offense is under eighteen (18) years of age at the time of the
12 offense shall, upon conviction, be guilty of a felony punishable by
13 imprisonment in the custody of the Department of Corrections for not
14 less than ten (10) years, or by a fine of not more than Twenty
15 Thousand Dollars (\$20,000.00), or by both such fine and
16 imprisonment. The court shall also order the defendant to pay
17 restitution to the victim as provided in Section 991f of Title 22 of
18 the Oklahoma Statutes.

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

22 E. The consent of the minor to the activity prohibited by this
23 section shall not constitute a defense.

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