

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2518

By: Kern of the House

and

Brecheen of the Senate

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10 COMMITTEE SUBSTITUTE

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

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

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

19 Section 748. A. As used in Sections 748 and 748.2 of this
20 title:

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

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

4 i. determining, dictating or setting the places at which
5 another person will be available for solicitation of,
6 or to engage in, an act of prostitution with a third
7 party, or

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

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

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

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

3 5. "Human trafficking for labor" means:

4 a. recruiting, enticing, harboring, maintaining,
5 transporting, providing or obtaining, by any means,
6 another person through deception, force, fraud, threat
7 or coercion or for purposes of engaging the person in
8 labor, or

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

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

13 a. recruiting, enticing, harboring, maintaining,
14 transporting, providing or obtaining, by any means,
15 another person through deception, force, fraud, threat
16 or coercion for purposes of engaging the person in a
17 commercial sex act, ~~or~~

18 b. recruiting, enticing, harboring, maintaining,
19 transporting, providing, purchasing or obtaining, by
20 any means, a minor for purposes of engaging the minor
21 in a commercial sex act, or

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

4 7. "Legal process" means the criminal law, the civil law, or
5 the regulatory system of the federal government, any state,
6 territory, district, commonwealth, or trust territory therein, and
7 any foreign government or subdivision thereof and includes legal
8 civil actions, criminal actions, and regulatory petitions or
9 applications; and

10 8. "Minor" means an individual under eighteen (18) years of
11 age.

12 B. It shall be unlawful to knowingly engage in human
13 trafficking.

14 C. Any person violating the provisions of this section shall,
15 upon conviction, be guilty of a felony punishable by imprisonment in
16 the custody of the Department of Corrections for not less than five
17 (5) years, or by a fine of not more than Ten Thousand Dollars
18 (\$10,000.00), or by both such fine and imprisonment. Any person
19 violating the provisions of this section where the victim of the
20 offense is under eighteen (18) years of age at the time of the
21 offense shall, upon conviction, be guilty of a felony punishable by
22 imprisonment in the custody of the Department of Corrections for not
23 less than ten (10) years, or by a fine of not more than Twenty

1 Thousand Dollars (\$20,000.00), or by both such fine and
2 imprisonment. The court shall also order the defendant to pay
3 restitution to the victim as provided in Section 991f of Title 22 of
4 the Oklahoma Statutes.

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

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

10 SECTION 2. This act shall become effective November 1, 2012.

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12 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/14/2012 - DO
13 PASS, As Amended and Coauthored.

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