

1 ENGROSSED SENATE  
2 BILL NO. 1541

By: Crain and Ivester of the  
Senate

3 and

4 Peterson of the House

5  
6 [ human trafficking - certain guidelines for  
7 treatment of certain victims - effective date ]  
8

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

10 SECTION 1. AMENDATORY 21 O.S. 2011, Section 748.2, as  
11 amended by Section 1, Chapter 59, O.S.L. 2013 (21 O.S. Supp. 2013,  
12 Section 748.2), is amended to read as follows:

13 Section 748.2. A. Human trafficking victims shall:

- 14 1. Be housed in an appropriate shelter as soon as practicable;
- 15 2. Not be detained in facilities inappropriate to their status  
16 as crime victims;
- 17 3. Not be jailed, fined, or otherwise penalized due to having  
18 been trafficked;
- 19 4. Receive prompt medical care, mental health care, food, and  
20 other assistance, as necessary;
- 21 5. Have access to legal assistance, information about their  
22 rights, and translation services, as necessary; and  
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1           6. Be provided protection if the safety of the victim is at  
2 risk or if there is a danger of additional harm by recapture of the  
3 victim by a trafficker, including:

4           a. taking measures to protect trafficked persons and  
5 their family members from intimidation and threats of  
6 reprisals, and

7           b. ensuring that the names and identifying information of  
8 trafficked persons and their family members are not  
9 disclosed to the public.

10          B. Any person aggrieved by a violation of subsection B of  
11 Section 748 of this title may bring a civil action against the  
12 person or persons who committed the violation to recover actual and  
13 punitive damages and reasonable attorney fees and costs. The civil  
14 action brought under this subsection may be instituted in the  
15 district court in this state in the county in which the prospective  
16 defendant resides or has committed any act which subjects him or her  
17 to liability under this section. A criminal case or prosecution is  
18 not a necessary precedent to the civil action. The statute of  
19 limitations for the cause of action shall not commence until the  
20 latter of the victim's emancipation from the defendant, ~~or~~ the  
21 victim's twenty-first birthday or the plaintiff discovers or  
22 reasonably should have discovered that he or she was a victim of  
23 human trafficking and that the defendant caused, was responsible for  
24 or profited from the human trafficking.

1 C. Upon availability of funds, the Attorney General is  
2 authorized to establish an emergency hotline number for victims of  
3 human trafficking to call in order to request assistance or rescue.  
4 The Attorney General is authorized to enter into agreements with the  
5 county departments of health to require posting of the rights  
6 contained in this section along with the hotline number for  
7 publication in locations as directed by the State Department of  
8 Health.

9 D. Any peace officer who comes in contact with a human  
10 trafficking victim shall inform the victim of the human trafficking  
11 emergency hotline number and give notice to the victim of certain  
12 rights. The notice shall consist of handing the victim a written  
13 statement of the rights provided for in subsection A of this  
14 section.

15 E. Upon a showing that a ~~child~~ minor may be a victim of human  
16 trafficking or sexual abuse, the law enforcement officer shall  
17 immediately notify the Department of Human Services and the ~~child~~  
18 minor shall be ~~remanded~~ transferred to the custody of the Department  
19 of Human Services.

20 Law enforcement and the Department of Human Services shall  
21 conduct a joint investigation into the claim.

22 The ~~child~~ minor shall remain in the custody of the Department of  
23 Human Services until the investigation has been completed, but for  
24 no longer than seventy-two (72) hours, for the show-cause hearing.

1 If criminal charges were filed against the minor and the  
2 investigation shows, at the show-cause hearing, that it is more  
3 likely than not that the ~~child~~ minor is a victim of human  
4 trafficking or sexual abuse, then the criminal charges against the  
5 minor shall be dismissed and the Department of Human Services case  
6 and services shall proceed.

7 SECTION 2. This act shall become effective November 1, 2014.

8 Passed the Senate the 10th day of March, 2014.

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Presiding Officer of the Senate

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12 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
13 2014.

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Presiding Officer of the House  
of Representatives

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