

1 3. Manslaughter in the first degree as defined by Section 711
2 of this title;

3 4. Poisoning with intent to kill as defined by Section 651 of
4 this title;

5 5. Shooting with intent to kill, use of a vehicle to facilitate
6 use of a firearm, crossbow or other weapon, assault, battery, or
7 assault and battery with a deadly weapon or by other means likely to
8 produce death or great bodily harm, as provided for in Section 652
9 of this title;

10 6. Assault with intent to kill as provided for in Section 653
11 of this title;

12 7. Conjoint robbery as defined by Section 800 of this title;

13 8. Robbery with a dangerous weapon as defined in Section 801 of
14 this title;

15 9. First degree robbery as defined in Section 797 of this
16 title;

17 10. First degree rape as provided for in Section 1115 of this
18 title;

19 11. First degree arson as defined in Section 1401 of this
20 title;

21 12. First degree burglary as provided for in Section 1436 of
22 this title;

23 13. Bombing as defined in Section 1767.1 of this title;

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1 14. Any crime against a child provided for in Section 843.5 of
2 this title;

3 15. Forcible sodomy as defined in Section 888 of this title;

4 16. Child pornography as defined in Section 1021.2, 1021.3 or
5 1024.1 of this title;

6 17. Child prostitution as defined in Section 1030 of this
7 title;

8 18. Lewd molestation of a child as defined in Section 1123 of
9 this title;

10 19. Abuse of a vulnerable adult as defined in Section 10-103 of
11 Title 43A of the Oklahoma Statutes who is a resident of a nursing
12 facility;

13 20. Aggravated trafficking as provided for in subsection C of
14 Section 2-415 of Title 63 of the Oklahoma Statutes; ~~or~~

15 21. Aggravated assault and battery upon any person defending
16 another person from assault and battery; or

17 22. Human trafficking as provided for in Section 748 of this
18 title,

19 shall be required to serve not less than eighty-five percent (85%)
20 of any sentence of imprisonment imposed by the judicial system prior
21 to becoming eligible for consideration for parole. Persons
22 convicted of these offenses shall not be eligible for earned credits
23 or any other type of credits which have the effect of reducing the
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1 length of the sentence to less than eighty-five percent (85%) of the
2 sentence imposed.

3 SECTION 2. AMENDATORY 21 O.S. 2011, Section 748, as
4 amended by Section 1, Chapter 95, O.S.L. 2012 (21 O.S. Supp. 2013,
5 Section 748), is amended to read as follows:

6 Section 748. A. As used in Sections 748 and 748.2 of this
7 title:

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

10 a. threats of harm or physical restraint against any
11 person,

12 b. any act, scheme, plan, or pattern intended to cause a
13 person to believe that performing, or failing to
14 perform, an act would result in serious physical,
15 financial, or emotional harm or distress to or
16 physical restraint against any person,

17 c. the abuse or threatened abuse of the law or legal
18 process,

19 d. knowingly destroying, concealing, removing,
20 confiscating or possessing any actual or purported
21 passport, labor or immigration document, or other
22 government identification document, including but not
23 limited to a driver license or birth certificate, of
24 another person,

- 1 e. facilitating or controlling a person's access to any
2 addictive or controlled substance other than for legal
3 medical purposes,
4 f. blackmail,
5 g. demanding or claiming money, goods, or any other thing
6 of value from or on behalf of a prostituted person
7 where such demand or claim arises from or is directly
8 related to the act of prostitution,
9 h. determining, dictating or setting the times at which
10 another person will be available to engage in an act
11 of prostitution with a third party,
12 i. determining, dictating or setting the places at which
13 another person will be available for solicitation of,
14 or to engage in, an act of prostitution with a third
15 party, or
16 j. determining, dictating or setting the places at which
17 another person will reside for purposes of making such
18 person available to engage in an act of prostitution
19 with a third party;

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

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

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

11 5. "Human trafficking for labor" means:

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

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

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

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

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1 or coercion for purposes of engaging the person in a
2 commercial sex act,

3 b. recruiting, enticing, harboring, maintaining,
4 transporting, providing, purchasing or obtaining, by
5 any means, a minor for purposes of engaging the minor
6 in a commercial sex act, or

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

10 7. "Legal process" means the criminal law, the civil law, or
11 the regulatory system of the federal government, any state,
12 territory, district, commonwealth, or trust territory therein, and
13 any foreign government or subdivision thereof and includes legal
14 civil actions, criminal actions, and regulatory petitions or
15 applications; and

16 8. "Minor" means an individual under eighteen (18) years of
17 age.

18 B. It shall be unlawful to knowingly engage in human
19 trafficking.

20 C. Any person violating the provisions of this section shall,
21 upon conviction, be guilty of a felony punishable by imprisonment in
22 the custody of the Department of Corrections for a term of not less
23 than five (5) years or for life, or by a fine of not more than ~~Ten~~
24 ~~Thousand Dollars (\$10,000.00)~~ One Hundred Thousand Dollars

1 (\$100,000.00), or by both such fine and imprisonment. Any person
2 violating the provisions of this section where the victim of the
3 offense is under eighteen (18) years of age at the time of the
4 offense shall, upon conviction, be guilty of a felony punishable by
5 imprisonment in the custody of the Department of Corrections for a
6 term of not less than ten (10) years fifteen (15) years or for life,
7 or by a fine of not more than ~~Twenty Thousand Dollars (\$20,000.00)~~
8 Two Hundred Fifty Thousand Dollars (\$250,000.00), or by both such
9 fine and imprisonment. The court shall also order the defendant to
10 pay restitution to the victim as provided in Section 991f of Title
11 22 of 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 E. The consent of the ~~minor~~ victim to the activity prohibited
16 by this section shall not constitute a defense.

17 SECTION 3. This act shall become effective November 1, 2014.

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19 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/26/2014 - DO
20 PASS, As Coauthored.

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