

1 **CORRECTED**

2 **SENATE FLOOR VERSION**

3 April 2, 2014

AS AMENDED

4 ENGROSSED HOUSE
5 BILL NO. 2353

By: Kern of the House

and

Treat, David and Ivester of
the Senate

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9
10 [crimes and punishment - service of minimum
11 percentage of sentence - human trafficking -
effective date]

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

14 SECTION 1. AMENDATORY 21 O.S. 2011, Section 13.1, is
15 amended to read as follows:

16 Section 13.1 Persons convicted of:

17 1. First degree murder as defined in Section 701.7 of this
18 title;

19 2. Second degree murder as defined by Section 701.8 of this
20 title;

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

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

- 1 5. Shooting with intent to kill, use of a vehicle to facilitate
2 use of a firearm, crossbow or other weapon, assault, battery, or
3 assault and battery with a deadly weapon or by other means likely to
4 produce death or great bodily harm, as provided for in Section 652
5 of this title;
- 6 6. Assault with intent to kill as provided for in Section 653
7 of this title;
- 8 7. Conjoint robbery as defined by Section 800 of this title;
- 9 8. Robbery with a dangerous weapon as defined in Section 801 of
10 this title;
- 11 9. First degree robbery as defined in Section 797 of this
12 title;
- 13 10. First degree rape as provided for in Section 1115 of this
14 title;
- 15 11. First degree arson as defined in Section 1401 of this
16 title;
- 17 12. First degree burglary as provided for in Section 1436 of
18 this title;
- 19 13. Bombing as defined in Section 1767.1 of this title;
- 20 14. Any crime against a child provided for in Section 843.5 of
21 this title;
- 22 15. Forcible sodomy as defined in Section 888 of this title;
- 23 16. Child pornography as defined in Section 1021.2, 1021.3 or
24 1024.1 of this title;

1 17. Child prostitution as defined in Section 1030 of this
2 title;

3 18. Lewd molestation of a child as defined in Section 1123 of
4 this title;

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

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

10 21. Aggravated assault and battery upon any person defending
11 another person from assault and battery; or

12 22. Human trafficking as provided for in Section 748 of this
13 title,

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

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

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1 Section 748. A. As used in Sections 748 and 748.2 of this
2 title:

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

5 a. threats of harm or physical restraint against any
6 person,

7 b. any act, scheme, plan, or pattern intended to cause a
8 person to believe that performing, or failing to
9 perform, an act would result in serious physical,
10 financial, or emotional harm or distress to or
11 physical restraint against any person,

12 c. the abuse or threatened abuse of the law or legal
13 process,

14 d. knowingly destroying, concealing, removing,
15 confiscating or possessing any actual or purported
16 passport, labor or immigration document, or other
17 government identification document, including but not
18 limited to a driver license or birth certificate, of
19 another person,

20 e. facilitating or controlling a person's access to any
21 addictive or controlled substance other than for legal
22 medical purposes,

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

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

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

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

7 5. "Human trafficking for labor" means:

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

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

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

17 a. recruiting, enticing, harboring, maintaining,
18 transporting, providing or obtaining, by any means,
19 another person through deception, force, fraud, threat
20 or coercion for purposes of engaging the person in a
21 commercial sex act,

22 b. recruiting, enticing, harboring, maintaining,
23 transporting, providing, purchasing or obtaining, by
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1 any means, a minor for purposes of engaging the minor
2 in a commercial sex act, or

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

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

12 8. "Minor" means an individual under eighteen (18) years of
13 age.

14 B. It shall be unlawful to knowingly engage in human
15 trafficking.

16 C. Any person violating the provisions of this section shall,
17 upon conviction, be guilty of a felony punishable by imprisonment in
18 the custody of the Department of Corrections for a term of not less
19 than five (5) years or for life, or by a fine of not more than ~~Ten~~
20 ~~Thousand Dollars (\$10,000.00)~~ One Hundred Thousand Dollars
21 (\$100,000.00), or by both such fine and imprisonment. Any person
22 violating the provisions of this section where the victim of the
23 offense is under eighteen (18) years of age at the time of the
24 offense shall, upon conviction, be guilty of a felony punishable by

1 imprisonment in the custody of the Department of Corrections for a
2 term of not less than ~~ten (10) years~~ fifteen (15) years or for life,
3 or by a fine of not more than ~~Twenty Thousand Dollars (\$20,000.00)~~
4 Two Hundred Fifty Thousand Dollars (\$250,000.00), or by both such
5 fine and imprisonment. The court shall also order the defendant to
6 pay restitution to the victim as provided in Section 991f of Title
7 22 of the Oklahoma Statutes.

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

11 E. The consent of the ~~minor~~ victim to the activity prohibited
12 by this section shall not constitute a defense.

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

14 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
15 April 2, 2014 - DO PASS AS AMENDED
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