

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 SENATE BILL 1539

By: Crain

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5  
6 AS INTRODUCED

7 An Act relating to human trafficking; amending 21  
8 O.S. 2011, Section 748, as amended by Section 1,  
9 Chapter 95, O.S.L. 2012 (21 O.S. Supp. 2013, Section  
10 748), which relates to certain definitions and  
11 certain unlawful act and penalties; adding  
12 definition; establishing certain percentage of  
13 service of certain sentence; prohibiting certain  
14 terms of imprisonment from being subject to certain  
15 statutory provisions; providing exception; requiring  
16 certain level of behavior to qualify for certain  
17 credits; and providing an effective date.

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

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

22 Section 748. A. As used in Sections 748 and 748.2 of this  
23 title:

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

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

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

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

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

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

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

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

23 5. "Human trafficking for labor" means:  
24

- 1 a. recruiting, enticing, harboring, maintaining,  
2 transporting, providing or obtaining, by any means,  
3 another person through deception, force, fraud, threat  
4 or coercion or for purposes of engaging the person in  
5 labor, or  
6 b. benefiting, financially or by receiving anything of  
7 value, from participation in a venture that has  
8 engaged in an act of trafficking for labor;

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

- 10 a. recruiting, enticing, harboring, maintaining,  
11 transporting, providing or obtaining, by any means,  
12 another person through deception, force, fraud, threat  
13 or coercion for purposes of engaging the person in a  
14 commercial sex act,  
15 b. recruiting, enticing, harboring, maintaining,  
16 transporting, providing, purchasing or obtaining, by  
17 any means, a minor for purposes of engaging the minor  
18 in a commercial sex act, or  
19 c. benefiting, financially or by receiving anything of  
20 value, from participating in a venture that has  
21 engaged in an act of trafficking for commercial sex;

22 7. "Legal process" means the criminal law, the civil law, or  
23 the regulatory system of the federal government, any state,  
24 territory, district, commonwealth, or trust territory therein, and

1 any foreign government or subdivision thereof and includes legal  
2 civil actions, criminal actions, and regulatory petitions or  
3 applications; ~~and~~

4 8. "Minor" means an individual under eighteen (18) years of  
5 age; and

6 9. "Victim" means a person against whom a violation of any  
7 provision of this section has been committed.

8 B. It shall be unlawful to knowingly engage in human  
9 trafficking.

10 C. Any person violating the provisions of this section shall,  
11 upon conviction, be guilty of a felony punishable by imprisonment in  
12 the custody of the Department of Corrections for not less than five  
13 (5) years, or by a fine of not more than Ten Thousand Dollars  
14 (\$10,000.00), or by both such fine and imprisonment. Any person  
15 violating the provisions of this section where the victim of the  
16 offense is under eighteen (18) years of age at the time of the  
17 offense shall, upon conviction, be guilty of a felony punishable by  
18 imprisonment in the custody of the Department of Corrections for not  
19 less than ten (10) years, or by a fine of not more than Twenty  
20 Thousand Dollars (\$20,000.00), or by both such fine and  
21 imprisonment. The court shall also order the defendant to pay  
22 restitution to the victim as provided in Section 991f of Title 22 of  
23 the Oklahoma Statutes. If the person is convicted of human  
24 trafficking, the person shall serve eighty-five percent (85%) of the

1 sentence before being eligible for parole consideration or any  
2 earned credits. The terms of imprisonment specified in this  
3 subsection shall not be subject to statutory provisions for  
4 suspension, deferral or probation, or state correctional institution  
5 earned credits accruing from and after November 1, 1989, except for  
6 the achievement earned credits authorized by subsection H of Section  
7 138 of Title 57 of the Oklahoma Statutes. To qualify for such  
8 achievement credits, such inmates must also be in compliance with  
9 the standards for Class level 2 behavior, as defined in subsection D  
10 of Section 138 of Title 57 of the Oklahoma Statutes.

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

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

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

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