

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1541

By: Crain

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5  
6 AS INTRODUCED

7 An Act relating to human trafficking; amending 21  
8 O.S. 2011, Section 748.2, as amended by Section 1,  
9 Chapter 59, O.S.L. 2013 (21 O.S. Supp. 2013, Section  
10 748.2), which relates to certain guidelines for  
11 treatment of certain victims and rights to civil  
12 actions; providing for certain costs; providing that  
13 certain civil actions may be brought in certain  
14 district courts; modifying when certain statute of  
15 limitations shall commence; updating and clarifying  
16 language; and providing an effective date.

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

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

21 Section 748.2. A. Human trafficking victims shall:

- 22 1. Be housed in an appropriate shelter as soon as practicable;
- 23 2. Not be detained in facilities inappropriate to their status  
24 as crime victims;
3. Not be jailed, fined, or otherwise penalized due to having  
been trafficked;

1 4. Receive prompt medical care, mental health care, food, and  
2 other assistance, as necessary;

3 5. Have access to legal assistance, information about their  
4 rights, and translation services, as necessary; and

5 6. Be provided protection if the safety of the victim is at  
6 risk or if there is a danger of additional harm by recapture of the  
7 victim by a trafficker, including:

8 a. taking measures to protect trafficked persons and  
9 their family members from intimidation and threats of  
10 reprisals, and

11 b. ensuring that the names and identifying information of  
12 trafficked persons and their family members are not  
13 disclosed to the public.

14 B. Any person aggrieved by a violation of subsection B of  
15 Section 748 of this title may bring a civil action against the  
16 person or persons who committed the violation to recover actual and  
17 punitive damages and reasonable attorney fees and costs. The civil  
18 action brought under this subsection may be instituted in the  
19 district court in this state in the county in which the prospective  
20 defendant resides or has committed any act which subjects him or her  
21 to liability under this section. A criminal case or prosecution is  
22 not a necessary precedent to the civil action. The statute of  
23 limitations for the cause of action shall not commence until the  
24 latter of the victim's emancipation from the defendant, ~~or~~ the

1 victim's twenty-first birthday or the plaintiff discovers or  
2 reasonably should have discovered that he or she was a victim of  
3 human trafficking and that the defendant caused, was responsible for  
4 or profited from the human trafficking.

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

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

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

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

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

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

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

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