

1 ENGROSSED HOUSE
2 BILL NO. 1067

By: Denney, Pittman, Kern and
Cooksey of the House

3 and

4 Griffin of the Senate
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7 An Act relating to crimes and punishments; amending
8 21 O.S. 2011, Section 748.2, which relates to
9 guidelines for the treatment of human trafficking
10 victims; directing peace officers to provide certain
11 notice to human trafficking victims; providing
12 procedures for law enforcement and the Department of
13 Human Services for child victims of human trafficking
14 or sexual abuse; placing child in the custody of the
15 Department; limiting duration of custody; providing
16 for an investigation; amending 21 O.S. 2011, Section
17 1029, which relates to prostitution; providing
18 presumption for certain persons charged with
19 prostitution; and providing an effective date.

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

21 SECTION 1. AMENDATORY 21 O.S. 2011, Section 748.2, is
22 amended to read as follows:

23 Section 748.2 A. Human trafficking victims shall:

- 24 1. Be housed in an appropriate shelter as soon as practicable;
2. Not be detained in facilities inappropriate to their status
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. A criminal case or
18 prosecution is not a necessary precedent to the civil action. The
19 statute of limitations for the cause of action shall not commence
20 until the latter of the victim's emancipation from the defendant or
21 the victim's twenty-first birthday.

22 C. Upon availability of funds, the Attorney General is
23 authorized to establish an emergency hotline number for victims of
24 human trafficking to call in order to request assistance or rescue.

1 The Attorney General is authorized to enter into agreements with the
2 county departments of health to require posting of the rights
3 contained in this section along with the hotline number for
4 publication in locations as directed by the State Department of
5 Health.

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

12 E. Upon a showing that a child may be a victim of human
13 trafficking or sexual abuse, the law enforcement officer shall
14 immediately notify the Department of Human Services and the child
15 shall be remanded to custody of the Department of Human Services.

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

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

21 If the investigation shows, at the show-cause hearing, that it
22 is more likely than not that the child is a victim of human
23 trafficking or sexual abuse, then the criminal charges shall be
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1 dismissed and the Department of Human Services case and services
2 shall proceed.

3 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1029, is
4 amended to read as follows:

5 Section 1029. A. It shall further be unlawful:

6 1. To engage in prostitution, lewdness, or assignation;

7 2. To solicit, induce, entice, or procure another to commit an
8 act of lewdness, assignation, or prostitution, with himself or
9 herself;

10 3. To reside in, enter, or remain in any house, place,
11 building, or other structure, or to enter or remain in any vehicle,
12 trailer, or other conveyance with the intent of committing an act of
13 prostitution, lewdness, or assignation; or

14 4. To aid, abet, or participate in the doing of any of the acts
15 prohibited in paragraph 1, 2 or 3 of this subsection.

16 B. Any prohibited act described in paragraph 1, 2, 3 or 4 of
17 subsection A of this section committed with a person under sixteen
18 (16) years of age shall be deemed child prostitution, as defined in
19 Section 1030 of this title, and shall be punishable as provided in
20 Section 1031 of this title.

21 C. In any prosecution of a person sixteen (16) or seventeen
22 (17) years of age for an offense described in subsection A of this
23 section, there shall be a presumption that the actor was coerced
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1 into committing such offense by another person in violation of the
2 human trafficking provisions set forth in Section 748 of this title.

3 SECTION 3. This act shall become effective November 1, 2013.

4 Passed the House of Representatives the 5th day of March, 2013.

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6 _____
7 Presiding Officer of the House
8 of Representatives

9 Passed the Senate the ____ day of _____, 2013.

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11 Presiding Officer of the Senate
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