

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1067

By: Denney of the House

and

Griffin of the Senate

8
9 COMMITTEE SUBSTITUTE

10 An Act relating to crimes and punishments; amending
11 21 O.S. 2011, Section 748.2, which relates to
12 guidelines for the treatment of human trafficking
13 victims; directing peace officers to provide certain
14 notice to human trafficking victims; amending 21 O.S.
15 2011, Section 1029, which relates to prostitution;
16 providing presumption for certain persons charged
17 with prostitution; 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 748.2, is
20 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;

1 3. Not be jailed, fined, or otherwise penalized due to having
2 been trafficked;

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

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

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

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

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

16 B. Any person aggrieved by a violation of subsection B of
17 Section 748 of this title may bring a civil action against the
18 person or persons who committed the violation to recover actual and
19 punitive damages and reasonable attorney fees. A criminal case or
20 prosecution is not a necessary precedent to the civil action. The
21 statute of limitations for the cause of action shall not commence
22 until the latter of the victim's emancipation from the defendant or
23 the victim's twenty-first birthday.

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

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

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

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

- 18 1. To engage in prostitution, lewdness, or assignation;
- 19 2. To solicit, induce, entice, or procure another to commit an
20 act of lewdness, assignation, or prostitution, with himself or
21 herself;
- 22 3. To reside in, enter, or remain in any house, place,
23 building, or other structure, or to enter or remain in any vehicle,

1 trailer, or other conveyance with the intent of committing an act of
2 prostitution, lewdness, or assignation; or

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

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

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

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

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17 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/13/2013 - DO
18 PASS, As Amended and Coauthored.