

1 **SENATE FLOOR VERSION**

2 March 21, 2013

3 ENGROSSED HOUSE
4 BILL NO. 1067

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

5 and

6 Griffin and Shortey of the
7 Senate

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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; providing
15 procedures for law enforcement and the Department of
16 Human Services for child victims of human trafficking
17 or sexual abuse; placing child in the custody of the
18 Department; limiting duration of custody; providing
19 for an investigation; amending 21 O.S. 2011, Section
20 1029, which relates to prostitution; providing
21 presumption for certain persons charged with
22 prostitution; and providing an effective date.
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

Section 748.2 A. Human trafficking victims shall:

1. Be housed in an appropriate shelter as soon as practicable;

1 2. Not be detained in facilities inappropriate to their status
2 as crime victims;

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

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

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

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

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

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

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

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

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

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

21 Law enforcement and the Department of Human Services shall
22 conduct a joint investigation into the claim.
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1 The child shall remain in the custody of the Department of Human
2 Services until the investigation has been completed, but for no
3 longer than seventy-two (72) hours, for the show cause hearing.

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

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

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

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

13 2. To solicit, induce, entice, or procure another to commit an
14 act of lewdness, assignation, or prostitution, with himself or
15 herself;

16 3. To reside in, enter, or remain in any house, place,
17 building, or other structure, or to enter or remain in any vehicle,
18 trailer, or other conveyance with the intent of committing an act of
19 prostitution, lewdness, or assignation; or

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

22 B. Any prohibited act described in paragraph 1, 2, 3 or 4 of
23 subsection A of this section committed with a person under sixteen
24 (16) years of age shall be deemed child prostitution, as defined in

1 Section 1030 of this title, and shall be punishable as provided in
2 Section 1031 of this title.

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

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

9 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
10 March 21, 2013 - DO PASS
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