

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 HOUSE BILL 3135

 By: Virgin

7 AS INTRODUCED

8 An Act relating to juveniles; stating findings of the
9 Legislature regarding sexually abused children;
10 defining term; authorizing courts to depart from
11 certain sentencing requirements; providing for
12 noncodification; providing for codification; and
13 providing an effective date.

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

15 SECTION 1. NEW LAW A new section of law not to be
16 codified in the Oklahoma Statutes reads as follows:

17 The Legislature finds that:

18 1. In the United States, it is estimated that sixty-three
19 thousand (63,000) children are sexually abused each year;

20 2. In the United States, one in nine girls and one in fifty-
21 three boys under eighteen (18) years of age experience sexual abuse
22 or assault at the hands of an adult, ninety-three percent (93%) of
23 which is committed by an individual that the child knows;

1 3. The National Center for Missing and Exploited Children has
2 estimated that approximately one hundred thousand (100,000) children
3 in the United States are victims of commercial sexual exploitation
4 every year;

5 4. Children who are victims of sexual assault are:

- 6 a. four times more likely to become addicted to drugs as
- 7 a child who was not a victim of sexual assault,
- 8 b. four times more likely to experience post-traumatic
- 9 stress disorder as a child who was not a victim of
- 10 sexual assault, and
- 11 c. three times more likely to experience a major
- 12 depressive episode as a child who was not a victim of
- 13 sexual assault;

14 5. Child abusers and child traffickers often make their victims
15 undergo prolonged stages of grooming, which include:

- 16 a. targeting the child,
- 17 b. gaining the trust of the child,
- 18 c. filling a need of the child,
- 19 d. isolating the child,
- 20 e. sexualizing the relationship with the child, and
- 21 f. maintaining control over the child;

22 6. Children who commit crimes against persons who have
23 previously sexually abused them or subjected them to child
24 trafficking should not be subject to lengthy prison sentences, but

1 instead should be treated as victims and be provided with expanded
2 treatment and services;

3 7. Judges should have greater flexibility in cases involving a
4 child sex trafficking victim or child sex abuse victim when the
5 victim commits a crime against the abuser of the victim so that a
6 more just solution can be found; and

7 8. The intent of this act is to prevent future injustices of
8 child sex trafficking victims or child sex abuse victims receiving
9 extreme punishments for crimes committed against their abusers.

10 SECTION 2. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 2-5-401 of Title 10A, unless
12 there is created a duplication in numbering, reads as follows:

13 A. As used in this section, "mandatory minimum" means the
14 minimum number of years of imprisonment a person is required to
15 serve based on the felony or misdemeanor offense.

16 B. If a minor is convicted as an adult for an offense that the
17 minor committed when he or she was under eighteen (18) years of age
18 and the court finds by clear and convincing evidence that the person
19 against whom the minor was convicted of committing the offense
20 trafficked the minor or sexually abused or sexually assaulted the
21 minor within one (1) year before the commission of the offense, the
22 court may:

23 1. Depart from the mandatory minimum sentence or sentence
24 enhancement;

1 2. Suspend any portion of an otherwise applicable sentence; or

2 3. Transfer the minor to the jurisdiction of the juvenile
3 division of the district court for further proceedings.

4 SECTION 3. This act shall become effective November 1, 2020.

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6 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/25/2020 - DO
7 PASS.