

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 3135

By: Virgin

AS INTRODUCED

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

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

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

The Legislature finds that:

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

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

3. The National Center for Missing and Exploited Children has estimated that approximately one hundred thousand (100,000) children

1 in the United States are victims of commercial sexual exploitation
2 every year;

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

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

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

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

20 6. Children who commit crimes against persons who have
21 previously sexually abused them or subjected them to child
22 trafficking should not be subject to lengthy prison sentences, but
23 instead should be treated as victims and be provided with expanded
24 treatment and services;

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

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

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

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

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

21 1. Depart from the mandatory minimum sentence or sentence
22 enhancement;

23 2. Suspend any portion of an otherwise applicable sentence; or
24

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

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

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