

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 4224

By: Boatman

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6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2021, Section 748.2, which relates to rights
9 for victims of human trafficking; excluding human
10 trafficking victims from certain court proceedings;
11 amending 21 O.S. 2021, 1029, which relates to
engaging in or soliciting prostitution; removing
presumption of coercion; excluding child victims of
human trafficking from certain court proceedings; and
providing an effective date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2021, Section 748.2, is
16 amended to read as follows:

17 Section 748.2. A. Human trafficking victims shall:

- 18 1. Be housed in an appropriate shelter as soon as practicable;
- 19 2. Not be detained in facilities inappropriate to their status
20 as crime victims;
- 21 3. Not be jailed, fined, or otherwise penalized due to having
22 been trafficked;
- 23 4. Receive prompt medical care, mental health care, food, and
24 other assistance, as necessary;

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

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

6 a. taking measures to protect trafficked persons and
7 their family members from intimidation and threats of
8 reprisals, and

9 b. ensuring that the names and identifying information of
10 trafficked persons and their family members are not
11 disclosed to the public.

12 B. Any person aggrieved by a violation of subsection B of
13 Section 748 of this title may bring a civil action against the
14 person or persons who committed the violation to recover actual and
15 punitive damages and reasonable attorney fees and costs. The civil
16 action brought under this section may be instituted in the district
17 court in this state in the county in which the prospective defendant
18 resides or has committed any act which subjects him or her to
19 liability under this section. A criminal case or prosecution is not
20 a necessary precedent to the civil action. The statute of
21 limitations for the cause of action shall not commence until the
22 latter of the victim's emancipation from the defendant, the victim's
23 twenty-first birthday, or the plaintiff discovers or reasonably
24 should have discovered that he or she was a victim of human

1 trafficking and that the defendant caused, was responsible for or
2 profited from the human trafficking.

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. 1. Any peace officer or employee of a district court,
18 juvenile bureau or Office of Juvenile Affairs who has reasonable
19 suspicion that a minor may be a victim of human trafficking and is
20 in need of immediate protection shall assume protective custody over
21 the minor and immediately notify the Department of Human Services.
22 The minor shall be transferred to the emergency custody of the
23 Department pursuant to the provisions of Section 1-4-201 of Title
24 10A of the Oklahoma Statutes. While in custody of the Department,

1 the minor shall be provided with any necessary emergency social
2 services which include, but shall not be limited to, medical
3 examination or treatment, or a mental health assessment.

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

6 The minor shall remain in the custody of the Department of Human
7 Services until the investigation has been completed, but for no
8 longer than two (2) judicial days, for the show-cause hearing. The
9 Department may release the minor to the custody of a parent or legal
10 guardian if it determines the minor will not be subject to further
11 exploitation. If no such determination is made, the minor shall be
12 subject to the deprived child provisions of the Oklahoma Children's
13 Code and made eligible for appropriate child welfare services.

14 2. The minor shall not be subject to juvenile delinquency
15 proceedings or child-in-need-of-supervision proceedings for
16 prostitution offenses or ~~other nonviolent~~ misdemeanor or nonviolent
17 felony offenses committed as a ~~direct~~ result of being a victim of
18 human trafficking. It shall be an affirmative defense to
19 delinquency or criminal prosecution for any ~~misdemeanor or~~ violent
20 felony offense that the offense was committed during the time of and
21 as the direct result of the minor being the victim of human
22 trafficking.

23 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1029, is
24 amended to read as follows:

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

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

3 2. To solicit, induce, entice, or procure another to commit an
4 act of lewdness, assignation, or prostitution, with himself or
5 herself;

6 3. To reside in, enter, or remain in any house, place,
7 building, or other structure, or to enter or remain in any vehicle,
8 trailer, or other conveyance with the intent of committing an act of
9 prostitution, lewdness, or assignation; or

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

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

17 ~~C. In any prosecution of a person sixteen (16) or seventeen~~
18 ~~(17) years of age for an offense described in subsection A of this~~
19 ~~section, there shall be a presumption that the actor was coerced~~
20 ~~into committing such offense by another person in violation of the~~
21 No child who is a victim of human trafficking provisions set forth
22 in Section 748 of this title shall be subject to juvenile
23 delinquency or criminal proceedings for the offenses described in
24 subsection A of this section.

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SECTION 3. This act shall become effective November 1, 2022.

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