

An Act

ENROLLED HOUSE
BILL NO. 1886

By: May, Stark, and Wolfley of
the House

and

Gillespie of the Senate

An Act relating to human trafficking; creating the Oklahoma Human Trafficking Justice for Victims and Advocacy Act of 2025; amending 21 O.S. 2021, Section 748, as amended by Section 1, Chapter 20, O.S.L. 2022 (21 O.S. Supp. 2024, Section 748), which relates to human trafficking offenses and related penalties; increasing penalties for certain unlawful act; providing additional restitution for psychological evaluations and counseling services; creating a statewide Human Trafficking Awareness and Education Program; requiring the Director of the Human Trafficking Response Unit to develop, promote, and coordinate a public awareness program; providing specifics of the program; granting production and determination of program materials and curriculum to the Director of the Unit; providing for the promulgation of rules; amending 21 O.S. 2021, Section 748.2, as amended by Section 2, Chapter 20, O.S.L. 2022 (21 O.S. Supp. 2024, Section 748.2), which relates to rights of human trafficking victims; adding provisions to the list of rights for human trafficking victims; providing for noncodification; providing for codification; and providing an effective date.

SUBJECT: Human trafficking

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:

This act shall be known and may be cited as the "Oklahoma Human Trafficking Justice for Victims and Advocacy Act of 2025".

SECTION 2. AMENDATORY 21 O.S. 2021, Section 748, as amended by Section 1, Chapter 20, O.S.L. 2022 (21 O.S. Supp. 2024, Section 748), is amended to read as follows:

Section 748. A. As used in Sections 748 and 748.2 of this title:

1. "Coercion" means compelling, forcing or intimidating a person to act by:
 - a. threats of harm or physical restraint against any person,
 - b. any act, scheme, plan, or pattern intended to cause a person to believe that performing, or failing to perform, an act would result in serious physical, financial, or emotional harm or distress to or physical restraint against any person,
 - c. the abuse or threatened abuse of the law or legal process,
 - d. knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport, labor or immigration document, or other government identification document, including but not limited to a driver license or birth certificate, of another person,
 - e. facilitating or controlling a person's access to any addictive or controlled substance other than for legal medical purposes,
 - f. blackmail,
 - g. demanding or claiming money, goods, or any other thing of value from or on behalf of a prostituted person where such demand or claim arises from or is directly related to the act of prostitution,

- h. determining, dictating or setting the times at which another person will be available to engage in an act of prostitution with a third party,
- i. determining, dictating or setting the places at which another person will be available for solicitation of, or to engage in, an act of prostitution with a third party, or
- j. determining, dictating or setting the places at which another person will reside for purposes of making such person available to engage in an act of prostitution with a third party;

2. "Commercial sex" means any form of commercial sexual activity such as sexually explicit performances, prostitution, participation in the production of pornography, performance in a strip club, or exotic dancing or display;

3. "Debt bondage" means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined;

4. "Human trafficking" means modern-day slavery that includes, but is not limited to, extreme exploitation and the denial of freedom or liberty of an individual for purposes of deriving benefit from that individual's commercial sex act or labor;

5. "Human trafficking for labor" means:

- a. recruiting, enticing, harboring, maintaining, transporting, providing or obtaining, by any means, another person through deception, force, fraud, threat or coercion or for purposes of engaging the person in labor, or
- b. benefiting, financially or by receiving anything of value, from participation in a venture that has engaged in an act of trafficking for labor;

6. "Human trafficking for commercial sex" means:

- a. recruiting, enticing, harboring, maintaining, transporting, providing or obtaining, by any means, another person through deception, force, fraud, threat or coercion for purposes of engaging the person in a commercial sex act,
- b. recruiting, enticing, harboring, maintaining, transporting, providing, purchasing or obtaining, by any means, a minor for purposes of engaging the minor in a commercial sex act, or
- c. benefiting, financially or by receiving anything of value, from participating in a venture that has engaged in an act of trafficking for commercial sex;

7. "Legal process" means the criminal law, the civil law, or the regulatory system of the federal government, any state, territory, district, commonwealth, or trust territory therein, and any foreign government or subdivision thereof and includes legal civil actions, criminal actions, and regulatory petitions or applications;

8. "Minor" means an individual under eighteen (18) years of age; and

9. "Victim" means a person against whom a violation of any provision of this section has been committed.

B. It shall be unlawful to knowingly engage in human trafficking.

C. 1. Any person violating the provisions of this section shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not less than five (5) years or for life, or by a fine of not more than One Hundred Thousand Dollars (\$100,000.00), or by both such fine and imprisonment.

2. Any person violating the provisions of this section where the victim of the offense is under eighteen (18) years of age at the time of the offense shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not less than fifteen (15) ten (10) years or, for life, or for life without parole, or by a fine of not more

than Two Hundred Fifty Thousand Dollars (\$250,000.00), or by both such fine and imprisonment.

3. The court shall also order the defendant to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes. In addition, the court shall require the defendant to pay for a psychological evaluation to determine the extent of counseling necessary for the human trafficking victim and any necessary psychological counseling deemed necessary to rehabilitate the victim. Such evaluations and counseling may be performed by psychiatrists, psychologists, licensed professional counselors, or social workers.

4. If the person is convicted of human trafficking, the person shall serve eighty-five percent (85%) of the sentence before being eligible for parole consideration or any earned credits. The terms of imprisonment specified in this subsection shall not be subject to statutory provisions for suspension, deferral or probation, or state correctional institution earned credits accruing from and after November 1, 1989, except for the achievement earned credits authorized by subsection H of Section 138 of Title 57 of the Oklahoma Statutes. To qualify for such achievement earned credits, such inmates must also be in compliance with the standards for Class level 2 behavior, as defined in subsection D of Section 138 of Title 57 of the Oklahoma Statutes.

D. It is an affirmative defense to prosecution for a criminal, youthful offender, or delinquent offense that, during the time of the alleged commission of the offense, the defendant or alleged youthful offender or delinquent was a victim of human trafficking.

E. The consent of a victim to the activity prohibited by this section shall not constitute a defense.

F. Lack of knowledge of the age of the victim shall not constitute a defense to the activity prohibited by this section with respect to human trafficking of a minor.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 748.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created a statewide "Human Trafficking Awareness and Education Program". The Director of the Human Trafficking Response Unit within the Office of the Attorney General

shall develop, promote, and coordinate a public awareness program to be utilized by law enforcement agencies, communities, and local schools and school districts throughout the State of Oklahoma.

B. The Human Trafficking Awareness and Education Program shall include:

1. Objective criteria, guidelines, and a comprehensive integrated curriculum for human trafficking programs;
2. Establish and review annually model policies for human trafficking issues;
3. Develop and implement guidelines, strategies, and criteria which encourage all schools to be trained in human trafficking awareness and prevention, and recognizing tactics used by traffickers to recruit victims through social media, gaming platforms, and any other digital spaces; and
4. Develop and implement guidelines, strategies, and criteria to require all law enforcement agencies within this state to be trained in human trafficking awareness and prevention, and recognizing tactics used by traffickers to recruit victims through social media, gaming platforms, and any other digital spaces.

C. Final determination of the materials created and produced by the Human Trafficking Response Unit to be used and the means of implementation of the curriculum shall be made by the Director of the Human Trafficking Response Unit.

D. The Human Trafficking Response Unit shall promulgate rules to implement the provisions of the Human Trafficking Awareness and Education Program.

SECTION 4. AMENDATORY 21 O.S. 2021, Section 748.2, as amended by Section 2, Chapter 20, O.S.L. 2022 (21 O.S. Supp. 2024, 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;
2. Not be detained in facilities inappropriate to their status as crime victims;

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

4. Receive prompt medical care, mental health care, including counseling services and rehabilitation services, food, resources for safe housing, and other assistance, as necessary;

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

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

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

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

7. Be treated with fairness and respect for the safety, dignity, and privacy of the victim and treated as a true crime victim rather than a defendant in a criminal case;

8. Be informed of financial assistance and other social services as a result of being a human trafficking victim; and

9. Be informed in writing of all constitutional and statutory rights, as provided for in the provisions of the Oklahoma Victim's Rights Act.

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

should have discovered that he or she was a victim of human trafficking and that the defendant caused, was responsible for or profited from the human trafficking.

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

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

E. 1. Any peace officer or employee of a district court, juvenile bureau or Office of Juvenile Affairs who has reasonable suspicion that a minor may be a victim of human trafficking and is in need of immediate protection shall assume protective custody over the minor and immediately notify the Department of Human Services. The minor shall be transferred to the emergency custody of the Department pursuant to the provisions of Section 1-4-201 of Title 10A of the Oklahoma Statutes. While in custody of the Department, the minor shall be provided with any necessary emergency social services which include, but shall not be limited to, medical examination or treatment, or a mental health assessment.

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

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

2. The minor shall not be subject to juvenile delinquency proceedings or child-in-need-of-supervision proceedings for prostitution offenses or misdemeanor or nonviolent felony offenses committed as a result of being a victim of human trafficking.

SECTION 5. This act shall become effective November 1, 2025.

Passed the House of Representatives the 21st day of May, 2025.

Presiding Officer of the House
of Representatives

Passed the Senate the 30th day of April, 2025.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____
day of _____, 20_____, at _____ o'clock _____. M.
By: _____

Approved by the Governor of the State of Oklahoma this _____
day of _____, 20_____, at _____ o'clock _____. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20_____, at _____ o'clock _____. M.
By: _____