

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1215

By: West (Kevin)

6 AS INTRODUCED

7 An Act relating to human trafficking; amending 21
8 O.S. 2021, Sections 748 and 748.2, as amended by
9 Sections 1 and 2, Chapter 20, O.S.L. 2022 (21 O.S.
10 Supp. 2024, Sections 748 and 748.2), which relate to
11 penalties for human trafficking and rights of human
12 trafficking victims; updating statutory citation;
modifying scope of certain defined terms; adding
definition; modifying penalties; updating rights of
human trafficking victims to include treatment
centers; defining term; 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, as
16 amended by Section 1, Chapter 20, O.S.L. 2022 (21 O.S. Supp. 2024,
17 Section 748), is amended to read as follows:

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

19 1. "Coercion" means compelling, forcing or intimidating a
20 person to act by:

21 a. threats of harm ~~or,~~ physical restraint, or acts of
22 violence committed against any person,

- 1 b. any act, threat, scheme, plan, or pattern intended to
2 cause a person to believe that performing, or failing
3 to perform, an act would result in serious physical,
4 financial, or emotional harm or distress to or
5 physical restraint against any person,
- 6 c. the abuse or threatened abuse of the law or legal
7 process,
- 8 d. knowingly destroying, concealing, removing,
9 confiscating or possessing any actual or purported
10 passport, labor or immigration document, or other
11 government identification document, including but not
12 limited to a driver license or birth certificate, of
13 another person,
- 14 e. facilitating or controlling a person's access to any
15 addictive or controlled substance other than for legal
16 medical purposes,
- 17 f. blackmail,
- 18 g. demanding or claiming money, goods, or any other thing
19 of value from or on behalf of a prostituted person
20 where such demand or claim arises from or is directly
21 related to the act of prostitution,
- 22 h. determining, dictating or setting the times at which
23 another person will be available to engage in an act
24 of prostitution with a third party,

1 i. determining, dictating or setting the places at which
2 another person will be available for solicitation of,
3 or to engage in, an act of prostitution with a third
4 party, or

5 j. determining, dictating or setting the places at which
6 another person will reside for purposes of making such
7 person available to engage in an act of prostitution
8 with a third party, or

9 l. extortion, obtaining property or money from another
10 with consent, induced by a wrongful use of force or
11 fear;

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

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

22 4. "Human trafficking" means modern-day slavery that includes,
23 but is not limited to, extreme exploitation and the denial of
24

1 freedom or liberty of an individual for purposes of deriving benefit
2 from that individual's commercial sex act or labor;

3 5. "Human trafficking for labor" means:

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

12 6. "Human trafficking for commercial sex" means:

- 13 a. pimping, recruiting, enticing, harboring, maintaining,
14 transporting, providing or obtaining, by any means,
15 another person through deception, force, fraud, threat
16 or coercion for purposes of engaging the person in a
17 commercial sex act,
18 b. pimping, recruiting, enticing, harboring, maintaining,
19 transporting, providing, purchasing or obtaining, by
20 any means, a minor for purposes of engaging the minor
21 in a commercial sex act, or
22 c. benefiting, financially or by receiving anything of
23 value, from participating in a venture that has
24 engaged in an act of trafficking for commercial sex;

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

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

9 9. "Pimping" means a person who procures a prostitute for a
10 customer and receives the earnings from the services provided by the
11 prostitute;

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

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

16 C. Any person violating the provisions of this section shall,
17 upon conviction, be guilty of a felony punishable by imprisonment in
18 the custody of the Department of Corrections for a term of not less
19 than five (5) years ~~or for life and not exceeding twenty (20) years,~~
20 or by a fine of not more than One Hundred Thousand Dollars
21 (\$100,000.00), or by both such fine and imprisonment. Any person
22 violating the provisions of this section where the victim of the
23 offense is under eighteen (18) years of age at the time of the
24 offense shall, upon conviction, be guilty of a felony punishable by

1 imprisonment in the custody of the Department of Corrections for a
2 term of not less than fifteen (15) years ~~or for life and not~~
3 exceeding ninety-nine (99) years, or by a fine of not more than Two
4 Hundred Fifty Thousand Dollars (\$250,000.00), or by both such fine
5 and imprisonment. The court shall also order the defendant to pay
6 restitution to the victim as provided in Section 991f of Title 22 of
7 the Oklahoma Statutes. If the person is convicted of human
8 trafficking, the person shall serve eighty-five percent (85%) of the
9 sentence before being eligible for parole consideration or any
10 earned credits. The terms of imprisonment specified in this
11 subsection shall not be subject to statutory provisions for
12 suspension, deferral or probation, or state correctional institution
13 earned credits accruing from and after November 1, 1989, except for
14 the achievement earned credits authorized by subsection H of Section
15 138 of Title 57 of the Oklahoma Statutes. To qualify for such
16 achievement earned credits, such inmates must also be in compliance
17 with the standards for Class level 2 behavior, as defined in
18 subsection D of Section 138 of Title 57 of the Oklahoma Statutes.

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

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

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

4 SECTION 2. AMENDATORY 21 O.S. 2021, Section 748.2, as
5 amended by Section 2, Chapter 20, O.S.L. 2022 (21 O.S. Supp. 2024,
6 Section 748.2), is amended to read as follows:

7 Section 748.2. A. Human trafficking victims shall:

8 1. Be housed in an appropriate shelter or treatment center as
9 soon as practicable;

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

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

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

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

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

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

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

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

19 C. Upon availability of funds, the Attorney General is
20 authorized to establish an emergency hotline number for victims of
21 human trafficking to call in order to request assistance or rescue.
22 The Attorney General is authorized to enter into agreements with the
23 county departments of health to require posting of the rights
24 contained in this section along with the hotline number for

1 publication in locations as directed by the State Department of
2 Health.

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

9 E. 1. Any peace officer or employee of a district court,
10 juvenile bureau or Office of Juvenile Affairs who has reasonable
11 suspicion that a minor may be a victim of human trafficking and is
12 in need of immediate protection shall assume protective custody over
13 the minor and immediately notify the Department of Human Services.
14 The minor shall be transferred to the emergency custody of the
15 Department pursuant to the provisions of Section 1-4-201 of Title
16 10A of the Oklahoma Statutes. While in custody of the Department,
17 the minor shall be provided with any necessary emergency social
18 services which include, but shall not be limited to, medical
19 examination or treatment, or a mental health assessment.

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

22 The minor shall remain in the custody of the Department of Human
23 Services until the investigation has been completed, but for no
24 longer than two (2) judicial days, for the show-cause hearing. The

1 Department may release the minor to the custody of a parent or legal
2 guardian if it determines the minor will not be subject to further
3 exploitation. If no such determination is made, the minor shall be
4 subject to the deprived child provisions of the Oklahoma Children's
5 Code and made eligible for appropriate child welfare services.

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

10 F. As used in this section, treatment center means a facility
11 within the Department of Mental Health and Substance Abuse Services.

12 The facility shall be operated under the supervision and
13 administration of the Commissioner of Mental Health and Substance
14 Abuse Services. The treatment center shall provide a comprehensive
15 network of therapy and programs to victims of human trafficking
16 including, but not limited to, trauma-sensitive interventions to
17 assist with the individual needs of the victim, substance abuse
18 treatment, family therapy, long-term safe housing assistance,
19 transitional programs, and education and career counseling. The
20 Department shall promulgate rules and standards to implement the
21 provisions of this subsection.

22 SECTION 3. This act shall become effective November 1, 2025.
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24 60-1-10014 GRS 01/07/25