An Act

ENROLLED SENATE
BILL NO. 2258

By: Jolley, Gumm and Johnson (Constance) of the Senate

and

Terrill, Peterson, Kirby, Tibbs and Christian of the House

An Act relating to crimes and punishments; creating the Greater Protecting Victims of Human Trafficking Act of 2010; amending Section 3, Chapter 112, O.S.L. 2007 (21 O.S. Supp. 2009, Section 446), which relates to transport of aliens; prohibiting the destruction of documentation papers; amending Section 2, Chapter 134, O.S.L. 2008 (21 O.S. Supp. 2009, Section 748.2), which relates to human trafficking victim guidelines; authorizing establishment of an emergency hotline for human trafficking victims; authorizing posting of rights of victims; amending 21 O.S. 2001, Section 1488, which relates to blackmail; modifying actions that constitute blackmail; providing for noncodification; 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:

This act shall be known and may be cited as the "Greater Protecting Victims of Human Trafficking Act of 2010".

SECTION 2. AMENDATORY Section 3, Chapter 112, O.S.L. 2007 (21 O.S. Supp. 2009, Section 446), is amended to read as follows:

Section 446. A. It shall be unlawful for any person to transport, move, or attempt to transport in the State of Oklahoma any alien knowing or in reckless disregard of the fact that the alien has come to, entered, or remained in the United States in violation of law, in furtherance of the illegal presence of the alien in the United States.

B. It shall be unlawful for any person to conceal, harbor, or shelter from detection any alien in any place within the State of Oklahoma, including any building or means of transportation, knowing or in reckless disregard of the fact that the alien has come to, entered, or remained in the United States in violation of law.

C. It shall be unlawful for any person to intentionally destroy, hide, alter, abscond with or keep documentation, including birth certificates, visas, passports, green cards or other documents utilized in the regular course of business to either verify or legally extend an individual's legal status within the United States for the purpose of trafficking a person in violation of Section 748 of this title.

D. Nothing in this section shall be construed so as to prohibit or restrict the provision of any state or local public benefit described in 8 U.S.C., Section 1621(b), or regulated public health services provided by a private charity using private funds.

~~D.~~ E. Any person violating the provisions of subsections A ~~or~~, B or C of this section shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not less than one (1) year, or by a fine of not less than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

SECTION 3. AMENDATORY Section 2, Chapter 134, O.S.L. 2008 (21 O.S. Supp. 2009, 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, food, 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.

B. Any person who is a victim of human trafficking may file a civil action against the alleged perpetrator or perpetrators in state court. The court may award actual damages, punitive damages, reasonable attorney fees, and other costs reasonably incurred. Any civil action filed pursuant to this subsection shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.

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.

SECTION 4. AMENDATORY 21 O.S. 2001, Section 1488, is amended to read as follows:

Section 1488. Blackmail is verbally or by written or printed communication and with intent to extort or gain any thing of value from another or to compel another to do an act against his or her will:

1. Accusing or threatening to accuse any person of a crime or conduct which would tend to degrade and disgrace the person accused; ~~or~~

2. Exposing or threatening to expose any fact, report or information concerning any person which would in any way subject such person to the ridicule or contempt of society~~.~~; or

3. Threatening to report a person as being illegally present in the United States, and is coupled with the threat that such accusation or exposure will be communicated to a third person or persons unless the person threatened or some other person pays or delivers to the accuser or some other person some thing of value or does some act against his or her will. Blackmail is a felony punishable by imprisonment in the State Penitentiary for not to exceed five (5) years or fine not to exceed Ten Thousand Dollars ($10,000.00) or by both such imprisonment and fine.

SECTION 5. This act shall become effective November 1, 2010.

Passed the Senate the 27th day of May, 2010.

Presiding Officer of the Senate

Passed the House of Representatives the 28th day of May, 2010.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 28th

day of May, **20**10,

at 8:40 **o'clock** P **M.**

By:

Approved by the Governor of the State of Oklahoma the 8th **day of**

June, **20**10, **at** 1:18 **o'clock** A **M.**

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

8th **day of** June, **20**10,

at 4:38 **o'clock** P. **M.**

By: M. Susan Savage