An Act

ENROLLED HOUSE
BILL NO. 1067

By: Denney, Pittman, Kern, Cooksey, Billy and Nollan of the House

and

Griffin, Shortey and Jolley of the Senate

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 748.2, which relates to guidelines for the treatment of human trafficking victims; directing peace officers to provide certain notice to human trafficking victims; providing procedures for law enforcement and the Department of Human Services for child victims of human trafficking or sexual abuse; placing child in the custody of the Department; limiting duration of custody; providing for an investigation; amending 21 O.S. 2011, Section 1029, which relates to prostitution; providing presumption for certain persons charged with prostitution; and providing an effective date.

SUBJECT: Human trafficking

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

SECTION 1. AMENDATORY 21 O.S. 2011, 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 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. 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 or the victim's twenty-first birthday.

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. Upon a showing that a child may be a victim of human trafficking or sexual abuse, the law enforcement officer shall immediately notify the Department of Human Services and the child shall be remanded to the custody of the Department of Human Services.

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

The child shall remain in the custody of the Department of Human Services until the investigation has been completed, but for no longer than seventy-two (72) hours, for the show-cause hearing.

If the investigation shows, at the show-cause hearing, that it is more likely than not that the child is a victim of human trafficking or sexual abuse, then the criminal charges shall be dismissed and the Department of Human Services case and services shall proceed.

SECTION 2. AMENDATORY 21 O.S. 2011, Section 1029, is amended to read as follows:

Section 1029. A. It shall further be unlawful:

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

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

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

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

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

C. In any prosecution of a person sixteen (16) or seventeen (17) years of age for an offense described in subsection A of this section, there shall be a presumption that the actor was coerced into committing such offense by another person in violation of the human trafficking provisions set forth in Section 748 of this title.

SECTION 3. This act shall become effective November 1, 2013.

Passed the House of Representatives the 5th day of March, 2013.

Presiding Officer of the House
of Representatives

Passed the Senate the 11th day of April, 2013.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 15th

day of April, 20 13, at 4:22 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 18th

day of April, 20 13, at 3:38 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 19th

day of April, 20 13, at 9:40 o'clock A. M.

By: