

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3132

By: Humphrey

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2021, Section 748, as amended by Section 1, Chapter 20, O.S.L. 2022 (21 O.S. Supp. 2023, Section 748), which relates to penalties for human trafficking; increasing penalties; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 748, as amended by Section 1, Chapter 20, O.S.L. 2022 (21 O.S. Supp. 2023, 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,

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

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

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

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

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

21 5. "Human trafficking for labor" means:

22 a. recruiting, enticing, harboring, maintaining,  
23 transporting, providing or obtaining, by any means,  
24 another person through deception, force, fraud, threat  
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1 or coercion or for purposes of engaging the person in  
2 labor, or

3 b. benefiting, financially or by receiving anything of  
4 value, from participation in a venture that has  
5 engaged in an act of trafficking for labor;

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

7 a. recruiting, enticing, harboring, maintaining,  
8 transporting, providing or obtaining, by any means,  
9 another person through deception, force, fraud, threat  
10 or coercion for purposes of engaging the person in a  
11 commercial sex act,

12 b. recruiting, enticing, harboring, maintaining,  
13 transporting, providing, purchasing or obtaining, by  
14 any means, a minor for purposes of engaging the minor  
15 in a commercial sex act, or

16 c. benefiting, financially or by receiving anything of  
17 value, from participating in a venture that has  
18 engaged in an act of trafficking for commercial sex;

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

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

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

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

7 C. Any person violating the provisions of this section shall,  
8 upon conviction, be guilty of a felony punishable by death, by  
9 ~~imprisonment in the custody of the Department of Corrections for a~~  
10 ~~term of not less than five (5) years or for life, or by a fine of~~  
11 ~~not more than One Hundred Thousand Dollars (\$100,000.00), or by both~~  
12 ~~such fine and~~ without parole, or by imprisonment for life. Any  
13 person violating the provisions of this section where the victim of  
14 the offense is under eighteen (18) years of age at the time of the  
15 offense shall, upon conviction, be guilty of a felony punishable by  
16 death, by imprisonment in the custody of the Department of  
17 ~~Corrections for a term of not less than fifteen (15) years or for~~  
18 ~~life, or by a fine of not more than Two Hundred Fifty Thousand~~  
19 ~~Dollars (\$250,000.00), or by both such fine and~~ without parole, or  
20 by imprisonment for life. The court shall also order the defendant  
21 to pay restitution to the victim as provided in Section 991f of  
22 Title 22 of the Oklahoma Statutes. If the person is convicted of  
23 human trafficking and receives a sentence of imprisonment for life,  
24 the person shall serve eighty-five percent (85%) of the sentence  
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1 before being eligible for parole consideration or any earned  
2 credits. The terms of imprisonment specified in this subsection  
3 shall not be subject to statutory provisions for suspension,  
4 deferral or probation, or state correctional institution earned  
5 credits accruing from and after November 1, 1989, except for the  
6 achievement earned credits authorized by subsection H of Section 138  
7 of Title 57 of the Oklahoma Statutes. To qualify for such  
8 achievement earned credits, such inmates must also be in compliance  
9 with the standards for Class level 2 behavior, as defined in  
10 subsection D of Section 138 of Title 57 of the Oklahoma Statutes.

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

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

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

20 SECTION 2. This act shall become effective November 1, 2024.

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22 59-2-8449 GRS 11/02/23

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