

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

HOUSE BILL 1886

By: May

AS INTRODUCED

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 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control 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 Bureau; 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 the waiver of resident and nonresident tuition for certain human trafficking victims at technology center schools and institutions of higher education; providing time limitation for waivers; providing for noncodification; providing for codification; and providing an effective date.

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

2 SECTION 1. NEW LAW A new section of law not to be
3 codified in the Oklahoma Statutes reads as follows:

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

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

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

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

13 a. threats of harm or physical restraint against any
14 person,

15 b. any act, scheme, plan, or pattern intended to cause a
16 person to believe that performing, or failing to
17 perform, an act would result in serious physical,
18 financial, or emotional harm or distress to or
19 physical restraint against any person,

20 c. the abuse or threatened abuse of the law or legal
21 process,

22 d. knowingly destroying, concealing, removing,
23 confiscating or possessing any actual or purported
24 passport, labor or immigration document, or other

1 government identification document, including but not
2 limited to a driver license or birth certificate, of
3 another person,

4 e. facilitating or controlling a person's access to any
5 addictive or controlled substance other than for legal
6 medical purposes,

7 f. blackmail,

8 g. demanding or claiming money, goods, or any other thing
9 of value from or on behalf of a prostituted person
10 where such demand or claim arises from or is directly
11 related to the act of prostitution,

12 h. determining, dictating or setting the times at which
13 another person will be available to engage in an act
14 of prostitution with a third party,

15 i. determining, dictating or setting the places at which
16 another person will be available for solicitation of,
17 or to engage in, an act of prostitution with a third
18 party, or

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

23 2. "Commercial sex" means any form of commercial sexual
24 activity such as sexually explicit performances, prostitution,

1 participation in the production of pornography, performance in a
2 strip club, or exotic dancing or display;

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

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

13 5. "Human trafficking for labor" means:

14 a. recruiting, enticing, harboring, maintaining,
15 transporting, providing or obtaining, by any means,
16 another person through deception, force, fraud, threat
17 or coercion or for purposes of engaging the person in
18 labor, or

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

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

23 a. recruiting, enticing, harboring, maintaining,
24 transporting, providing or obtaining, by any means,

1 another person through deception, force, fraud, threat
2 or coercion for purposes of engaging the person in a
3 commercial sex act,

4 b. recruiting, enticing, harboring, maintaining,
5 transporting, providing, purchasing or obtaining, by
6 any means, a minor for purposes of engaging the minor
7 in a commercial sex act, or

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

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

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

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

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

23 C. 1. Any person violating the provisions of this section
24 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 five (5) years or for life, or by a fine of
3 not more than One Hundred Thousand Dollars (\$100,000.00), or by both
4 such fine and imprisonment.

5 2. Any person violating the provisions of this section where
6 the victim of the offense is under eighteen (18) years of age at the
7 time of the offense shall, upon conviction, be guilty of a felony
8 punishable by imprisonment in the custody of the Department of
9 Corrections for a term of not less than ~~fifteen (15)~~ twenty-five
10 (25) years or, for life, or for life without parole, or by a fine of
11 not more than Two Hundred Fifty Thousand Dollars (\$250,000.00), or
12 by both such fine and imprisonment.

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

22 4. If the person is convicted of human trafficking, the person
23 shall serve eighty-five percent (85%) of the sentence before being
24 eligible for parole consideration or any earned credits. The terms

1 of imprisonment specified in this subsection shall not be subject to
2 statutory provisions for suspension, deferral or probation, or state
3 correctional institution earned credits accruing from and after
4 November 1, 1989, except for the achievement earned credits
5 authorized by subsection H of Section 138 of Title 57 of the
6 Oklahoma Statutes. To qualify for such achievement earned credits,
7 such inmates must also be in compliance with the standards for Class
8 level 2 behavior, as defined in subsection D of Section 138 of Title
9 57 of the Oklahoma Statutes.

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

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

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

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

22 A. There is hereby created a statewide "Human Trafficking
23 Awareness and Education Program". The Director of the Oklahoma
24 State Bureau of Narcotics and Dangerous Drugs Control shall develop,

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

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

6 1. Objective criteria, guidelines, and a comprehensive
7 integrated curriculum for human trafficking programs;

8 2. Establish and review annually model policies for human
9 trafficking issues;

10 3. Develop and implement guideline, strategies, and criteria
11 which encourage all schools to be trained in human trafficking
12 awareness and prevention, and recognizing tactics used by
13 traffickers to recruit victims through social media, gaming
14 platforms, and any other digital spaces; and

15 4. Develop and implement guidelines, strategies, and criteria
16 to require all law enforcement agencies within this state to be
17 trained in human trafficking awareness and prevention, and
18 recognizing tactics used by traffickers to recruit victims through
19 social media, gaming platforms, and any other digital spaces.

20 C. Final determination of the materials created and produced by
21 the Bureau to be used and the means of implementation of the
22 curriculum shall be made by the Director of the Bureau.

23 D. The Bureau shall promulgate rules to implement the
24 provisions of the Human Trafficking Awareness and Education Program.

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

4 Section 748.2. A. Human trafficking victims shall:

5 1. Be housed in an appropriate shelter as soon as practicable;

6 2. Not be detained in facilities inappropriate to their status
7 as crime victims;

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

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

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

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

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

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

24

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

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

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

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

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

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

15 E. 1. Any peace officer or employee of a district court,
16 juvenile bureau or Office of Juvenile Affairs who has reasonable
17 suspicion that a minor may be a victim of human trafficking and is
18 in need of immediate protection shall assume protective custody over
19 the minor and immediately notify the Department of Human Services.
20 The minor shall be transferred to the emergency custody of the
21 Department pursuant to the provisions of Section 1-4-201 of Title
22 10A of the Oklahoma Statutes. While in custody of the Department,
23 the minor shall be provided with any necessary emergency social
24

1 services which include, but shall not be limited to, medical
2 examination or treatment, or a mental health assessment.

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

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

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

17 SECTION 5. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 14-134.2 of Title 70, unless
19 there is created a duplication in numbering, reads as follows:

20 A. Within the system of career technology districts, no
21 resident tuition or nonresident tuition shall be charged to an
22 individual who was a victim of human trafficking for commercial sex
23 or human trafficking for labor, as such terms are defined in Section
24

1 748 of Title 21 of the Oklahoma Statutes, and who was under eighteen
2 (18) years of age at the time of the offense.

3 B. Such waiver of resident tuition and nonresident tuition
4 shall be limited to a period of five (5) years.

5 SECTION 6. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 3218.7-2 of Title 70, unless
7 there is created a duplication in numbering, reads as follows:

8 A. Within The Oklahoma State System of Higher Education, no
9 resident tuition or nonresident tuition shall be charged to an
10 individual who was a victim of human trafficking for commercial sex
11 or human trafficking for labor, as such terms are defined in Section
12 748 of Title 21 of the Oklahoma Statutes, and who was under eighteen
13 (18) years of age at the time of the offense.

14 B. Such waiver of resident tuition and nonresident tuition
15 shall be limited to a period of five (5) years.

16 SECTION 7. This act shall become effective November 1, 2025.

17

18 60-1-11660 GRS 01/11/25

19

20

21

22

23

24