

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

HOUSE BILL 1215

By: West (Kevin)

AS INTRODUCED

An Act relating to human trafficking; amending 21 O.S. 2021, Sections 748 and 748.2, as amended by Sections 1 and 2, Chapter 20, O.S.L. 2022 (21 O.S. Supp. 2024, Sections 748 and 748.2), which relate to penalties for human trafficking and rights of human 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.

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. 2024, 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, or acts of 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 1. 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  
24

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