

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 2450

By: Virgin

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5  
6 AS INTRODUCED

7 An Act relating to juveniles; stating findings of the  
8 Legislature regarding sexually abused children;  
9 defining term; authorizing courts to depart from  
10 certain sentencing requirements; providing for  
11 noncodification; providing for codification; and  
12 providing an effective date.

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

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

16 The Legislature finds that:

17 1. In the United States, it is estimated that sixty-three  
18 thousand (63,000) children are sexually abused each year;

19 2. In the United States, one in nine girls and one in fifty-  
20 three boys under eighteen (18) years of age experience sexual abuse  
21 or assault at the hands of an adult, ninety-three percent (93%) of  
22 which is committed by an individual that the child knows;

23 3. The National Center for Missing and Exploited Children has  
24 estimated that approximately one hundred thousand (100,000) children

1 in the United States are victims of commercial sexual exploitation  
2 every year;

3 4. Children who are victims of sexual assault are:

4 a. four times more likely to become addicted to drugs as  
5 a child who was not a victim of sexual assault,

6 b. four times more likely to experience post-traumatic  
7 stress disorder as a child who was not a victim of  
8 sexual assault, and

9 c. three times more likely to experience a major  
10 depressive episode as a child who was not a victim of  
11 sexual assault;

12 5. Child abusers and child traffickers often make their victims  
13 undergo prolonged stages of grooming, which include:

14 a. targeting the child,

15 b. gaining the trust of the child,

16 c. filling a need of the child,

17 d. isolating the child,

18 e. sexualizing the relationship with the child, and

19 f. maintaining control over the child;

20 6. Children who commit crimes against persons who have

21 previously sexually abused them or subjected them to child

22 trafficking should not be subject to lengthy prison sentences, but

23 instead should be treated as victims and be provided with expanded

24 treatment and services;

1           7. Judges should have greater flexibility in cases involving a  
2 child sex trafficking victim or child sex abuse victim when the  
3 victim commits a crime against the abuser of the victim so that a  
4 more just solution can be found; and

5           8. The intent of this act is to prevent future injustices of  
6 child sex trafficking victims or child sex abuse victims receiving  
7 extreme punishments for crimes committed against their abusers.

8           SECTION 2.           NEW LAW           A new section of law to be codified  
9 in the Oklahoma Statutes as Section 2-5-401 of Title 10A, unless  
10 there is created a duplication in numbering, reads as follows:

11           A. As used in this section, "mandatory minimum" means the  
12 minimum number of years of imprisonment a person is required to  
13 serve based on the felony or misdemeanor offense.

14           B. If a minor is convicted as an adult for an offense that the  
15 minor committed when he or she was under eighteen (18) years of age  
16 and the court finds by clear and convincing evidence that the person  
17 against whom the minor was convicted of committing the offense  
18 trafficked the minor or sexually abused or sexually assaulted the  
19 minor within one (1) year before the commission of the offense, the  
20 court may:

21           1. Depart from the mandatory minimum sentence or sentence  
22 enhancement;

23           2. Suspend any portion of an otherwise applicable sentence; or  
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3. Transfer the minor to the jurisdiction of the juvenile  
division of the district court for further proceedings.

SECTION 3. This act shall become effective November 1, 2021.

58-1-6684            GRS            01/04/21