

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 1074

By: Jett

AS INTRODUCED

An Act relating to illegal organ harvesting; amending 21 O.S. 2021, Section 748, as amended by Section 1, Chapter 20, O.S.L. 2022 (21 O.S. Supp. 2022, Section 748), which relates to human trafficking; defining certain 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. 2022, 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, financial, or emotional harm or distress to or physical restraint against any person,

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

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

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

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

19 5. "Human trafficking for labor" means:

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

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

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

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

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

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

17 7. "Illegal organ harvesting" means recruiting, enticing,
18 harboring, maintaining, transporting, providing, or obtaining, by
19 any means, another person through deception, force, fraud, threat,
20 or coercion for the purposes of illegally obtaining body parts or
21 organs or for performing transplants from any source not legally
22 affiliated with a hospital or other medical facility;

23 8. "Legal process" means the criminal law, the civil law, or
24 the regulatory system of the federal government, any state,

1 territory, district, commonwealth, or trust territory therein, and
2 any foreign government or subdivision thereof and includes legal
3 civil actions, criminal actions, and regulatory petitions or
4 applications;

5 ~~8.~~ 9. "Minor" means an individual under eighteen (18) years of
6 age; and

7 ~~9.~~ 10. "Victim" means a person against whom a violation of any
8 provision of this section has been committed.

9 B. It shall be unlawful to knowingly engage in human
10 trafficking.

11 C. Any person violating the provisions of this section shall,
12 upon conviction, be guilty of a felony punishable by imprisonment in
13 the custody of the Department of Corrections for a term of not less
14 than five (5) years or for life, or by a fine of not more than One
15 Hundred Thousand Dollars (\$100,000.00), or by both such fine and
16 imprisonment. Any person violating the provisions of this section
17 where the victim of the offense is under eighteen (18) years of age
18 at the time of the offense shall, upon conviction, be guilty of a
19 felony punishable by imprisonment in the custody of the Department
20 of Corrections for a term of not less than fifteen (15) years or for
21 life, or by a fine of not more than Two Hundred Fifty Thousand
22 Dollars (\$250,000.00), or by both such fine and imprisonment. The
23 court shall also order the defendant to pay restitution to the
24 victim as provided in Section 991f of Title 22 of the Oklahoma

1 Statutes. If the person is convicted of human trafficking, the
2 person shall serve eighty-five percent (85%) of the sentence before
3 being eligible for parole consideration or any earned credits. The
4 terms of imprisonment specified in this subsection shall not be
5 subject to statutory provisions for suspension, deferral or
6 probation, or state correctional institution earned credits accruing
7 from and after November 1, 1989, except for the achievement earned
8 credits authorized by subsection H of Section 138 of Title 57 of the
9 Oklahoma Statutes. To qualify for such achievement earned credits,
10 such inmates must also be in compliance with the standards for Class
11 level 2 behavior, as defined in subsection D of Section 138 of Title
12 57 of the Oklahoma Statutes.

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

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

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

22 SECTION 2. This act shall become effective November 1, 2023.

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