



Legal System	Constitution	Bill of Rights	Form of Government
Common Law Statutory Law	Written	Yes	Republic

## A. Criminal Statutes

### 1. Human Trafficking and Related Offenses

#### a. Okla. Stat. Ann. tit. 21, § 748 (2017) – Human Trafficking for Forced Labor or Forced Sexual Exploitation

##### i. Summary

“It shall be unlawful to knowingly engage in human trafficking.” Okla. Stat. Ann. tit. 21, § 748(B). “Human trafficking” means “modern-day slavery that includes, but is not limited to, extreme exploitation and the denial of freedom or liberty of an individual for purposes of deriving benefit from that individual’s commercial sex act or labor.” Okla. Stat. Ann. tit. 21, § 748(A)(4). “Human trafficking for labor” is defined as “recruiting, enticing, harboring, maintaining, transporting, providing or obtaining, by any means, another person through deception, force, fraud, threat or coercion or for purposes of engaging the person in labor,” or “benefiting, financially or by receiving anything of value, from participation in a venture that has engaged in an act of trafficking for labor.” Okla. Stat. Ann. tit. 21, § 748(A)(5). “Human trafficking for sex” is defined in substantially the same way, substituting “commercial sex” for “labor.” It also includes a separate provision for trafficking a minor for purposes of engaging the minor in a commercial sex act. Okla. Stat. Ann. tit. 21, § 748(A)(6).

As used in the human trafficking law,

“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;
- (c) the abuse or threatened abuse of the law or legal process;
- (d) knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport, labor or immigration document, or other government identification document, including but not limited to a driver license or birth certificate, of another person;
- (e) facilitating or controlling a person’s access to any addictive or controlled substance other than for legal medical purposes;
- (f) blackmail;
- (g) demanding or claiming money, goods, or any other thing of value from or on behalf of a prostituted person where such demand or claim arises from or is directly related to the act of prostitution;

- (h) determining, dictating or setting the times at which another person will be available to engage in an act of prostitution with a third party;
- (i) determining, dictating or setting the places at which another person will be available for solicitation of, or to engage in, an act of prostitution with a third party; or
- (j) determining, dictating or setting the places at which another person will reside for purposes of making such person available to engage in an act of prostitution with a third party[.]

Okla. Stat. Ann. tit. 21, § 748(A)(1).

The victim’s consent is not a defense to a charge of human trafficking. Okla. Stat. Ann. tit. 21, § 748(E). The lack of knowledge of the victim’s age also is not a defense to human trafficking of a minor. Okla. Stat. Ann. tit. 21, § 748(F).

## ii. Sentencing

A person convicted of human trafficking is guilty of a felony, generally punishable by at least five years of imprisonment, by a fine of not more than USD 100,000, or both. Okla. Stat. Ann. tit. 21, § 748(C). Where the victim is a minor at the time of the offense, the person is guilty of a felony punishable by at least 15 years of imprisonment, by a fine of not more than USD 250,000, or both. Okla. Stat. Ann. tit. 21, § 748(C). A person convicted of human trafficking must serve 85% of the sentence before being eligible for parole or earned credits. Okla. Stat. Ann. tit. 21, § 748(C).

A court also shall order a convicted defendant to make restitution to a victim of human trafficking. Okla. Stat. Ann. tit. 22, § 991f(C).

## iii. Statute of Limitations

The general statute of limitations applies, which requires that a prosecution commence within three years after the act. Okla. Stat. Ann. tit. 22, § 152(H).

## b. Okla. Stat. Ann. tit. 21, § 866 (2011) – Trafficking in Children

### i. Summary

The crime of trafficking in children includes “the acceptance, solicitation, offer, payment or transfer of any compensation, in money, property or other thing of value, at any time, by any person in connection with the acquisition or transfer of the legal or physical custody or adoption of a minor child, except as ordered by the court.” Okla. Stat. Ann. tit. 21, § 866(A)(1)(a).

Oklahoma also prohibits the knowing publication of an advertisement soliciting, except by authorized agencies, the placement of a child for adoption. Okla. Stat. Ann. tit. 21, § 866(A)(1)(h).

### ii. Sentencing

Trafficking in children is a felony punishable by up to 10 years of imprisonment, a fine not to exceed USD 10,000, or both. Okla. Stat. Ann. tit. 21, § 866(A)(2)(a).

A violation of the advertisement prohibition is a misdemeanor punishable by a fine not exceeding USD 5,000. Okla. Stat. Ann. tit. 21, § 866(A)(1)(h).

### iii. Statute of Limitations

A prosecution for trafficking in children under Section 866 must commence by the victim's 45th birthday, and if the victim is over the age of 18, within 12 years after the discovery of the crime. Okla. Stat. Ann. tit. 22, § 152(C)(1).

#### c. Okla. Stat. Ann. tit. 21, § 856 (2019) – Causing a Minor to Become Involved with a Criminal Street Gang Participating in Trafficking

A person commits a crime by knowingly or willfully causing, aiding, abetting, encouraging, soliciting, or recruiting a minor to participate, join, or associate with any "criminal street gang." Okla. Stat. Ann. tit. 21, § 856(D). A "criminal street gang" includes an organization or association that participates in, among other things, human trafficking. Okla. Stat. Ann. tit. 21, § 856(F)(17).

#### d. Okla. Stat. Ann. tit. 21, § 748(D) – Affirmative Defense

It is an affirmative defense to a prosecution for a criminal offense that the defendant was a victim of human trafficking. Okla. Stat. Ann. tit. 21, § 748(D).

#### e. Okla. Stat. Ann. tit. 22, § 991h (2019) – No Contact Order

When sentencing a person convicted of crimes of human trafficking involving commercial sex or child pornography under Okla. Stat. Ann. tit. 21, § 1040.8:

the court shall issue an order that the defendant shall have no contact directly or indirectly with the victim or the family of the victim during the full term of the confinement of the defendant, term of probation, period of deferment or term of confinement and probation of the defendant.

Okla. Stat. Ann. tit. 22, § 991h.

#### f. Okla. Stat. Ann. tit. 22, § 19c (2013) – Expungement

Oklahoma allows for the expungement of a prostitution-related offense if the offense was committed as a result of the defendant having been a victim of human trafficking.

#### g. Okla. Stat. Ann. tit. 21, § 1738 (2011) – Forfeiture

Property used to facilitate a human trafficking offense is subject to forfeiture. Okla. Stat. Ann. tit. 21, § 1738(A).

#### h. Okla. Stat. Ann. tit. 21, § 1029(C) (2016) – Presumption of Coercion

In the prosecution of a 16 or 17 year old for prostitution, lewdness, or assignation, or the solicitation, aiding, or participating in any such act, there is a presumption that the individual was coerced into committing the offense in violation of the human trafficking statute. Okla. Stat. Ann. tit. 21, § 1029(C).

#### i. Okla. Stat. Ann. tit. 21, § 748.2 (2018) – Shelter and Assistance for Trafficking Victims

Trafficking victims must be housed in an appropriate shelter; not detained in facilities inappropriate to their status as crime victims; not jailed or fined due to being trafficked; receive prompt medical care, mental health care, and food; have access to legal assistance, and be provided protection, if needed.

**j. Okla. Stat. Ann. tit. 21, § 748.2(E) – Protective Custody Over Trafficked Minor**

“Any peace officer or employee of a district court, juvenile bureau or Office of Juvenile Affairs who has reasonable suspicion that a minor may be a victim of human trafficking and is in need of immediate protection shall assume protective custody over the minor and immediately notify the Department of Human Services.”

**k. Okla. Stat. Ann. tit. 21, § 748.2(E) – Trafficked Minor Immune from Prosecution; Affirmative Defense**

A “minor shall not be subject to juvenile delinquency proceedings for prostitution or other nonviolent misdemeanor offenses committed as a direct result of being a victim of human trafficking.” A trafficked minor shall have “an affirmative defense to delinquency or criminal prosecution for any misdemeanor or felony offense that the offense was committed during the time of and as the direct result of the minor being the victim of human trafficking.”

Okla. Stat. Ann. tit. 21, § 748.2(E).

**l. Okla. Stat. Ann. tit. 22, § 1403 (2013) – Racketeering**

Racketeering includes:

engaging in, attempting to engage in, conspiring to engage in, or soliciting, coercing, or intimidating another person to engage in conduct which is chargeable or indictable as constituting a felony violation of ... human trafficking or trafficking in children pursuant to the provisions of Section 748, 866 or 867 of Title 21 of the Oklahoma Statutes.

Okla. Stat. Ann. tit. 22, § 1402(10)(y).

**2. Online Child Sexual Exploitation and Child Pornography Offenses**

Okla. Stat. Ann. tit. 10A, § 2-8-221 – Transmission of Obscenity and Child Pornography

Okla. Stat. Ann. tit. 21, § 1021 – Obscene Material or Child Pornography, Solicitation of Minors

Okla. Stat. Ann. tit. 21, § 1021.2 – Minors, Procuring for Participation in Pornography

Okla. Stat. Ann. tit. 21, § 1021.3 – Guardians – Parents – Custodians – Consent to Participation of Minors in Child Pornography

Okla. Stat. Ann. tit. 21, § 1021.4 – Disclosure of Obscene Materials Containing Minors

Okla. Stat. Ann. tit. 21, § 1024.2 – Purchase, Procurement or Possession of Child Pornography

Okla. Stat. Ann. tit. 21, § 1040.8 – Publication, Distribution or Participation in Preparation of Obscene Material or Child Pornography

Okla. Stat. Ann. tit. 21, § 1040.12a – Aggravated Possession of Child Pornography

Okla. Stat. Ann. tit. 21, § 1040.13a – Facilitating, Encouraging, Offering or Soliciting Sexual Conduct or Engaging in Sexual Communication with a Minor or Person Believed to be a Minor

**3. Okla. Stat. Ann. tit. 57, § 582 (2019) – Sex Offenders Registry**

An individual convicted of human trafficking for commercial sex under Okla. Stat. Ann. tit. 21, § 748 must register and comply with Oklahoma sex offender laws. Okla. Stat. Ann. tit. 57, § 582.

## B. Civil Liability Statutes

### 1. Okla. Stat. Ann. tit. 21, § 748.2 (2018) – Civil Lawsuit

#### a. Summary

A victim of human trafficking may bring a civil lawsuit against the person or persons who committed the violation. The civil lawsuit may be brought even if no criminal case is brought. Okla. Stat. Ann. tit. 21, § 748.2(B).

#### b. Damages and Other Relief

A victim may recover actual and punitive damages, as well as reasonable attorney's fees and costs from the perpetrator. Okla. Stat. Ann. tit. 21, § 748.2(B).

#### c. Statute of Limitations

The statute of limitations does not begin to run until the later of:

the victim's emancipation from the defendant, the victim's twenty-first (21st) birthday, or the plaintiff discovers or reasonably should have discovered that he or she was a victim of human trafficking and that the defendant caused, was responsible for or profited from the human trafficking.

Okla. Stat. Ann. tit. 21, § 748.2(B).

### 2. Okla. Stat. Ann. tit. 21, § 1040.56 (2011) – Civil Lawsuits and Minor Victims of Child Exploitation and Child Pornography

#### a. Summary

An individual

who, while under the age of eighteen, was a victim of an offense provided for in ... [statutes including those prohibiting child exploitation and child pornography] where such offense resulted in a conviction and any portion of such offense was used in the production of child pornography, and who suffers personal or psychological injury as a result ... may bring a civil action [lawsuit] against the producer, promoter, or intentional possessor.

Okla. Stat. Ann. tit. 21, § 1040.56(A).

It is not a defense to a civil lawsuit under this section that the respondent did not know the victim or commit the abuse depicted in the child pornography. Okla. Stat. Ann. tit. 21, § 1040.56(D).

#### b. Damages and Other Relief

A plaintiff prevailing in a civil lawsuit may recover damages, including actual, special, and punitive damages, as well as the cost of the suit and reasonable attorney's fees. Okla. Stat. Ann. tit. 21, § 1040.56(B).

#### c. Statute of Limitations

The statute of limitations for a civil lawsuit under this section is three years after the later of: (1) the conclusion of the related criminal case; (2) the notification to the victim by law enforcement of the creation, possession, distribution, or promotion of child pornography; or (3) if the victim is younger than 18 years of age, within three years after the person reaches the age of 18. Okla. Stat. Ann. tit. 21, § 1040.56.

## C. Additional Statutes Specific to Human Trafficking

### 1. Okla. Stat. Ann. tit. 40, §§ 160 *et seq.* (2014) – Unpaid Wages

An aggrieved employee may bring a civil lawsuit to recover unpaid wages and liquidated damages. A successful employee may be awarded costs and attorney's fees. Okla. Stat. Ann. tit. 40, § 165.9. Employers that violate this provision may be guilty of a misdemeanor. 40 Okla. Stat. Ann. tit. 40, § 165.8. Additionally, the Commissioner of Labor may fine an employer that fails to pay wages more than twice in a six-month period. Okla. Stat. Ann. tit. 40, § 165.2a.

More information is available at: [https://www.ok.gov/Labor/WORKPLACE\\_RIGHTS/Wage\\_and\\_Hour/index.html](https://www.ok.gov/Labor/WORKPLACE_RIGHTS/Wage_and_Hour/index.html).

### 2. Okla. Stat. Ann. tit. 10A, § 1-9-123 (2015) – Department of Human Services Policies and Procedures on Sex Trafficking

The Department of Human Services, in consultation with others, is to establish policies and procedures, including relevant training for caseworkers, for identifying, documenting in agency records, and determining appropriate services for children and youth at risk of sex trafficking.

### 3. Okla. Stat. Ann. tit. 21, § 748.2(C) – Hotline Number and Posting Notice of Rights

“[T]he Attorney General is authorized to establish an emergency hotline number for victims of human trafficking.” The Attorney General also “is authorized to enter into agreements with the county departments of health to require posting of the rights contained in this section along with the hotline number for publication in locations as directed by the State Department of Health.” Okla. Stat. Ann. tit. 21, Sec. 748.2(C).

### 4. Okla. Stat. Ann. tit. 47, § 802 (2019) – Commercial Driver Training on Trafficking

The Commissioner of Public Safety may establish a course of study for Class A, B, or C commercial driver licenses that includes the prevention and reporting of human trafficking and must regularly review and update the training to take into account changes and trends in human trafficking.

### 5. Okla. Stat. Ann. tit. 70, § 24-100.5 (2019) – Study of School Staff Needs on Trafficking Recognition and Reporting

Each public school shall have a Safe School Committee that shall study and make recommendations to the principal regarding professional needs of the faculty and staff to recognize and report suspected human trafficking.

## D. Significant Cases

No significant cases were found regarding Oklahoma's human trafficking statutes.

## E. Academic Research/Papers

Meghan Hilborn, Note, *How Oklahoma's Human Trafficking Victim Defense Is Poised to Be the Boldest Stand Against Human Trafficking in the Country*, 54 TULSA L. REV. 457 (2019).

Sarah Kujawa, Note, *Modern-Day Slavery: Human Trafficking in Oklahoma*, 38 OKLA. CITY U. L. REV. 105 (2013).

## F. Resources

National Human Trafficking Hotline (Oklahoma):

<https://humantraffickinghotline.org/state/oklahoma>

Oklahoma Bureau of Narcotics & Dangerous Drugs Control – Human Trafficking:  
[https://www.ok.gov/obnidd/HT\\_Faq.html](https://www.ok.gov/obnidd/HT_Faq.html)

Shared Hope International, Oklahoma Report Card (2019):  
[http://sharedhope.org/PICframe9/reportcards/PIC\\_RC\\_2019\\_OK.pdf](http://sharedhope.org/PICframe9/reportcards/PIC_RC_2019_OK.pdf)

Shared Hope International, *Oklahoma Analysis and Recommendations* (2019):  
[http://sharedhope.org/PICframe9/analysis/PIC\\_AR\\_2019\\_OK.pdf](http://sharedhope.org/PICframe9/analysis/PIC_AR_2019_OK.pdf)

U.S. Department of Health & Human Services, Oklahoma: Efforts to Combat Human Trafficking (2017):  
[https://nhhtac.acf.hhs.gov/sites/default/files/2019-06/oklahoma\\_profile\\_efforts\\_to\\_combat\\_human\\_trafficking.pdf](https://nhhtac.acf.hhs.gov/sites/default/files/2019-06/oklahoma_profile_efforts_to_combat_human_trafficking.pdf)

The Dragonfly Home: Human Trafficking Crisis Center (located in Oklahoma City):  
<https://www.thedragonflyhome.org/services/human-trafficking-crisis-center/>

Oklahoma White Paper on Human Trafficking, Oklahoma Commission on the Status of Women:  
<https://www.ok.gov/ocsw/documents/HT%20White%20Paper%2002132021.pdf>

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