# OKLAHOMA REPORT CARD | 2018



Oklahoma's human trafficking law does not require the use of "deception, force, fraud, threat, or coercion" to cause a minor under 18 to engage in commercial sex acts, and penalties reflect the seriousness of the offense. Further, juvenile sex trafficking victims are not subject to delinquency proceedings for prostitution and nonviolent misdemeanor offenses.

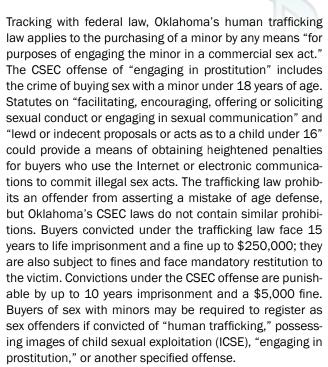
Final Score
Final Grade

$\frac{10}{10}$ $\frac{24.5}{25}$	15 15	$\frac{7.5}{10}$	21 27.5	12

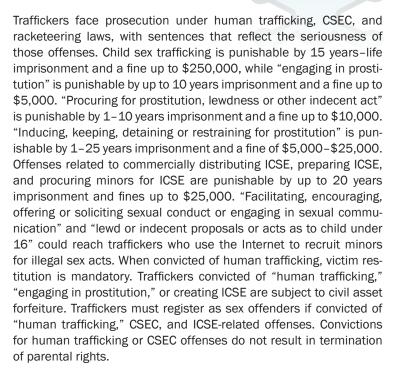
### **Criminalization of Domestic Minor Sex Trafficking**

Oklahoma's trafficking law imposes heightened penalties when the victim is a minor regardless of whether deception, force, fraud, threat, or coercion was used. Commercial sexual exploitation of children (CSEC) laws include: "engaging in prostitution," "procuring for prostitution, lewdness or other indecent act," "inducing, keeping, detaining or restraining for prostitution," "procuring for participation in pornography," "consent to participation of minors in child pornography," "child abuse-child neglect-child sexual abuse-child sexual exploitation," and "facilitating, encouraging, offering or soliciting sexual conduct or engaging in sexual communication." The prostitution law refers to the human trafficking statute to provide an affirmative defense for victims. Oklahoma's racketeering statute includes human trafficking offenses and some CSEC offenses as predicate acts, allowing for the prosecution of sex trafficking enterprises.

## **Criminal Provisions** for Demand



# **Criminal Provisions** for Traffickers



#### **Criminal Provisions for Facilitators**

The human trafficking law includes the crime of financially benefitting from human trafficking. The crimes of "engaging in prostitution" and "procuring for prostitution, lewdness or other indecent act" may apply to facilitators. The former is punishable by up to 10 years imprisonment and a fine up to \$5,000, while the facilitator-applicable provision of the latter is punishable as

a misdemeanor. Victim restitution is mandatory for human trafficking convictions and may be ordered at the court's discretion for any other offense. Facilitators convicted of human trafficking, "engaging in prostitution," racketeering, or distributing ICSE are subject to civil asset forfeiture. No laws in Oklahoma address sex tourism.

#### **Protective Provisions for the Child Victims**

All commercially sexually exploited children are defined as juvenile sex trafficking victims. The human trafficking law prohibits a defense based on a minor's willingness to engage in the commercial sex act. Oklahoma law prohibits the criminalization of juvenile sex trafficking victims for prostitution and nonviolent misdemeanors. In lieu of delinquency proceedings, state law provides for a range of general services and protections. For purposes of child welfare intervention, child sex trafficking is not included within the definition of abuse or neglect, but a separate statute clarifies that child welfare may respond in trafficking cases; however, this response is limited to trafficking victims who are not released into a parent or guardian's custody upon determination that the child would be subject to further exploitation. If identified as a victim, human trafficking and CSEC victims who are suffering from economic loss are eligible for state crime victims' compensation; however, eligibility criteria, including a requirement that the crime be reported within 72 hours and a claim filed within one year (unless good cause is shown to extend the filing time to up to two years), could operate to deny them an award. There is also a bar to recovery if the victim participated or assisted in a criminal act and a possible bar for refusal to cooperate with law enforcement. Victim-friendly court procedures are available to human trafficking victims, which prevent the release of identifying information and make victims eligible for protective orders, but the "rape shield" law, which protects testifying victims from the trauma of cross-examination, is limited to victims of sexual offenses that do not include CSEC or human trafficking. Oklahoma law does not provide a mechanism for minors to vacate delinquency adjudications related to trafficking victimization, and juvenile records may only be expunged after a waiting period. Criminal restitution is mandatory for victims of human trafficking, and restitution may be awarded to other victims. Civil remedies are also provided for human trafficking victims. Prosecutions for "human trafficking" and most CSEC offenses must commence within 3 years of the crime; however, the statute of limitations is tolled for certain offenses, including "procuring for participation in pornography," until the victim's 45th birthday. Statutes of limitations for civil claims based on damages from being trafficked do not begin to run until the later of the victim being freed from the defendant, the victim turning 21, or the victim discovering (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.

### **Criminal Justice Tools for Investigation and Prosecution**

Law enforcement training on child sex trafficking is not statutorily mandated or authorized. Single party consent to audiotaping is permitted, and wiretapping is allowed in investigations for human trafficking and some CSEC offenses. "Facilitating, encouraging, offering or soliciting sexual conduct or engaging in sexual communication" prohibits a defense based on the use of a law

enforcement decoy posing as a minor and allows law enforcement to use the Internet to investigate buyers and traffickers. Oklahoma has established a statewide reporting and response system for missing children and children identified as sex trafficking victims, but state law does not expressly require reporting of located children.

The Report Card is based on the Protected Innocence Challenge Legislative Framework, an analysis of state laws performed by Shared Hope International, and sets a national standard of protection against domestic minor sex trafficking. To access the Protected Innocence Challenge Legislative Framework Methodology, all state Report Cards, and foundational analysis and recommendations, please visit: www.sharedhope.org/reportcards.