

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 HOUSE BILL 2210

By: Stark and **West (Kevin)** of  
the House

5 and

6 **Weaver** of the Senate

7  
8  
9 AS INTRODUCED

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

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

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

19 The Legislature finds that:

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

22 2. In the United States, one in nine girls and one in fifty-  
23 three boys under eighteen (18) years of age experience sexual abuse

1 or assault at the hands of an adult, ninety-three percent (93%) of  
2 which is committed by an individual that the child knows;

3 3. The National Center for Missing and Exploited Children has  
4 estimated that approximately one hundred thousand (100,000) children  
5 in the United States are victims of commercial sexual exploitation  
6 every year;

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

8 a. four times more likely to become addicted to drugs  
9 than a child who was not a victim of sexual assault,

10 b. four times more likely to experience post-traumatic  
11 stress disorder than a child who was not a victim of  
12 sexual assault, and

13 c. three times more likely to experience a major  
14 depressive episode than a child who was not a victim  
15 of sexual assault;

16 5. Child abusers and child traffickers often force their  
17 victims to undergo prolonged stages of grooming, which include:

18 a. targeting the child,

19 b. gaining the trust of the child,

20 c. filling a need of the child,

21 d. isolating the child,

22 e. sexualizing the relationship with the child, and

23 f. maintaining control over the child;

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1           6. Children who commit crimes against persons who have  
2 previously sexually abused them or subjected them to child sex  
3 trafficking should not be subject to lengthy prison sentences, but  
4 instead should be treated as victims and be provided with expanded  
5 treatment and services;

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

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

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

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

19          B. If a minor is convicted as an adult for an offense that the  
20 minor committed when he or she was under eighteen (18) years of age  
21 and the court finds by clear and convincing evidence that the person  
22 against whom the minor was convicted of committing the offense  
23 trafficked the minor or sexually abused or sexually assaulted the  
24

1 minor within one (1) year before the commission of the offense, the  
2 court may:

3 1. Depart from the mandatory minimum sentence or sentence  
4 enhancement;

5 2. Suspend any portion of an otherwise applicable sentence; or

6 3. Transfer the minor to the jurisdiction of the juvenile  
7 division of the district court for further proceedings.

8 SECTION 3. This act shall become effective November 1, 2023.

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10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated  
11 03/01/2023 - DO PASS, As Coauthored.

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