

1 ENGROSSED HOUSE
2 BILL NO. 2054

By: Roberts and Boles of the
House

3 and

4 Weaver of the Senate

5
6
7 [crimes and punishments - penalties for prostitution
8 - codification - effective date -
9 emergency]

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

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SECTION 1. AMENDATORY 21 O.S. 2021, Section 1029, as

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amended by Section 3, Chapter 20, O.S.L. 2022 (21 O.S. Supp. 2022,

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Section 1029), is amended to read as follows:

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Section 1029. A. It shall further be unlawful:

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1. To engage in prostitution, lewdness, or assignation;

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2. To solicit, induce, or entice, ~~or procure~~ another person to

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~~commit~~ pay a fee for an act of lewdness, assignation, or

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prostitution, with himself or herself;

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3. To reside in, enter, or remain in any house, place,

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building, or other structure, or to enter or remain in any vehicle,

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trailer, or other conveyance with the intent of committing an act of

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prostitution, lewdness, or assignation; ~~or~~

1 4. To knowingly offer to pay a fee or agree to pay a fee to
2 another person for the purpose of engaging in sexual conduct, as
3 such term is defined in subsection B of Section 1024.1 of this
4 title, with that person or another; or

5 5. To aid, abet, or participate in the doing of any of the acts
6 prohibited in paragraph 1, 2 ~~or~~, 3 or 4 of this subsection.

7 B. Any prohibited act described in paragraph 1, 2, 3 ~~or~~, 4 or 5
8 of subsection A of this section committed with a person under
9 eighteen (18) years of age shall be deemed child prostitution, as
10 defined in Section 1030 of this title, and shall be punishable as
11 provided in Section 1031 of this title.

12 C. No child who is a victim of human trafficking shall be
13 subject to juvenile delinquency or criminal proceedings for the
14 offenses described in subsection A of this section which occurred as
15 a result of the child being a victim of human trafficking.

16 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1031, is
17 amended to read as follows:

18 Section 1031. A. Except as provided in subsection B ~~or~~, C, D
19 or E of this section, any person violating any of the provisions of
20 Section 1028, paragraph 1, 2, 3 or 5 of subsection A of Section 1029
21 or 1030 of this title shall, upon conviction, be guilty of a
22 misdemeanor and, ~~upon conviction,~~ shall be punished by imprisonment
23 in the county jail for not less than thirty (30) days nor more than
24 one (1) year or by fines as follows: a fine of not more than Two

1 Thousand Five Hundred Dollars (\$2,500.00) upon the first conviction
2 for violation of any of such provisions, a fine of not more than
3 Five Thousand Dollars (\$5,000.00) upon the second conviction for
4 violation of any of such provisions, and a fine of not more than
5 Seven Thousand Five Hundred Dollars (\$7,500.00) upon the third or
6 subsequent convictions for violation of any of such provisions, or
7 by both such imprisonment and fine. In addition, the court may
8 require a term of community service of not less than forty (40) nor
9 more than eighty (80) hours. The court in which any such conviction
10 is had shall notify the county superintendent of public health of
11 such conviction.

12 B. Any person who engages in an act of prostitution with
13 knowledge that ~~they are~~ he or she is infected with the human
14 immunodeficiency virus shall, upon conviction, be guilty of a felony
15 punishable by imprisonment in the custody of the Department of
16 Corrections for not more than five (5) years.

17 C. Any person who engages in an act of child prostitution, as
18 defined in Section 1030 of this title, shall, upon conviction, be
19 guilty of a felony punishable by imprisonment in the custody of the
20 Department of Corrections for not more than ten (10) years and by
21 fines as follows: a fine of not more than Five Thousand Dollars
22 (\$5,000.00) upon the first conviction, a fine of not more than Ten
23 Thousand Dollars (\$10,000.00) upon the second conviction, and a fine
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1 of not more than Fifteen Thousand Dollars (\$15,000.00) upon the
2 third or subsequent convictions.

3 D. Any person violating any of the provisions of Section 1028,
4 1029 or 1030 of this title within one thousand (1,000) feet of a
5 school or church shall, upon conviction, be guilty of a felony and
6 ~~upon conviction,~~ shall be punished by imprisonment in the custody of
7 the Department of Corrections for not more than five (5) years or by
8 fines as follows: a fine of not more than Two Thousand Five Hundred
9 Dollars (\$2,500.00) upon the first conviction for violation of any
10 of such provisions, a fine of not more than Five Thousand Dollars
11 (\$5,000.00) upon the second conviction for violation of any of such
12 provisions, and a fine of not more than Seven Thousand Five Hundred
13 Dollars (\$7,500.00) upon the third or subsequent convictions for
14 violation of any of such provisions, or by both such imprisonment
15 and fine. In addition, the court may require a term of community
16 service of not less than forty (40) nor more than eighty (80) hours.
17 The court in which any such conviction is had shall notify the
18 county superintendent of public health of such conviction.

19 E. Any person violating paragraph 4 of subsection A of Section
20 1029 of this title shall, upon conviction, be guilty of a felony and
21 shall be punished in accordance with the provisions of subsection B
22 of Section 3 of this act.

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1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1040.57 of Title 21, unless
3 there is created a duplication in numbering, reads as follows:

4 A. It shall be unlawful for any person who pays a fee for a
5 sexual encounter to publish a review of that sexual encounter or to
6 publish a review of the pubic area, buttocks, or breasts experienced
7 in the sexual encounter on a website that facilitates, encourages,
8 offers, solicits or promotes sexual conduct with another for a fee.

9 B. 1. Any person who violates the provisions of this section
10 shall, upon conviction, be guilty of a felony punishable by
11 imprisonment in the Department of Corrections for a term of not more
12 than three (3) years and by fines as follows:

13 a. not more than One Thousand Dollars (\$1,000.00) upon
14 the first conviction,

15 b. not more than Two Thousand Five Hundred Dollars
16 (\$2,500.00) upon the second conviction, and

17 c. not more than Five Thousand Dollars (\$5,000.00) upon
18 the third or subsequent convictions.

19 2. Any person who violates the provisions of this section where
20 the victim of the offense is under eighteen (18) years of age at the
21 time of the offense shall, upon conviction, be guilty of a felony
22 punishable by imprisonment in the custody of the Department of
23 Corrections for a term of not more than ten (10) years and by fines
24 as follows:

- 1 a. not more than Five Thousand Dollars (\$5,000.00) upon
2 the first conviction,
3 b. not more than Ten Thousand Dollars (\$10,000.00) upon
4 the second conviction, and
5 c. not more than Fifteen Thousand Dollars (\$15,000.00)
6 upon the third or subsequent convictions.

7 3. The terms of imprisonment specified in this subsection shall
8 not be subject to statutory provisions for suspension, deferral or
9 probation or state correctional institution earned credits accruing
10 from and after November 1, 1989, except for the achievement earned
11 credits authorized by subsection H of Section 138 of Title 57 of the
12 Oklahoma Statutes. To qualify for such achievement earned credits,
13 such inmates must also be in compliance with the standards for Class
14 level 2 behavior, as defined in subsection D of Section 138 of Title
15 57 of the Oklahoma Statutes.

16 4. Upon a third conviction, the person shall be required to
17 register as a sex offender under the Sex Offenders Registration Act
18 and shall be assigned a risk level of one. Upon a sixth conviction,
19 the person shall be assigned a risk level of two.

20 C. As used in this section, "publish" means to circulate,
21 deliver, distribute, disseminate, transmit, or otherwise make
22 available to another person.

23 SECTION 4. This act shall become effective July 1, 2023.
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