

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 2054

By: Roberts and Boles of the  
House

and

Weaver of the Senate

[ crimes and punishments - penalties for prostitution  
- codification - effective date -  
emergency ]

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AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause  
and entire bill and insert

"An Act relating to crimes and punishments; amending  
21 O.S. 2021, Sections 1029, as amended by Section 3,  
Chapter 20, O.S.L. 2022 and 1031, which relate to  
prostitution and penalties for prostitution;  
modifying elements of certain unlawful act; making  
certain conduct unlawful; updating statutory  
references; providing penalty for certain violation;  
making certain acts unlawful; providing penalties;  
defining term; providing for codification; providing  
an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1029, as  
amended by Section 3, Chapter 20, O.S.L. 2022 (21 O.S. Supp. 2022,  
Section 1029), is amended to read as follows:

1 Section 1029. A. It shall further be unlawful:

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

3 2. To solicit, induce, or entice, ~~or procure~~ another person to  
4 ~~commit~~ pay or provide money or any other item or service of value to  
5 engage in an act of lewdness, assignation, or prostitution, with  
6 himself or herself;

7 3. To reside in, enter, or remain in any house, place,  
8 building, or other structure, or to enter or remain in any vehicle,  
9 trailer, or other conveyance with the intent of committing an act of  
10 prostitution, lewdness, or assignation; ~~or~~

11 4. To knowingly offer money or any other item or service of  
12 value, or agree to provide or pay money or any other item or service  
13 of value to, or on behalf of, another person, for the purpose of  
14 engaging in sexual conduct, as defined in subsection B of Section  
15 1024.1 of this title, with that person or another; or

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

18 B. Any prohibited act described in paragraph 1, 2, 3 ~~or~~, 4, or  
19 5 of subsection A of this section committed with a person under  
20 eighteen (18) years of age shall be deemed child prostitution, as  
21 defined in Section 1030 of this title, and shall be punishable as  
22 provided in Section 1031 of this title.

23 C. No child who is a victim of human trafficking shall be  
24 subject to juvenile delinquency or criminal proceedings for the

1 offenses described in subsection A of this section which occurred as  
2 a result of the child being a victim of human trafficking.

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

5 Section 1031. A. Except as provided in subsection B ~~or~~, C, D,  
6 or E of this section, any person violating any of the provisions of  
7 Section 1028, paragraph 1, 2, 3, or 5 of subsection A of Section  
8 1029, or Section 1030 of this title shall, upon conviction, be  
9 guilty of a misdemeanor and, ~~upon conviction,~~ shall be punished by  
10 imprisonment in the county jail for not less than thirty (30) days  
11 nor more than one (1) year or by fines as follows: a fine ~~of~~ not  
12 more than Two Thousand Five Hundred Dollars (\$2,500.00) upon the  
13 first conviction for violation of any of such provisions, a fine ~~of~~  
14 not more than Five Thousand Dollars (\$5,000.00) upon the second  
15 conviction for violation of any of such provisions, and a fine ~~of~~  
16 not more than Seven Thousand Five Hundred Dollars (\$7,500.00) upon  
17 the third or subsequent convictions for violation of any of such  
18 provisions, or by both such imprisonment and fine. In addition, the  
19 court may require a term of community service ~~of~~ not less than forty  
20 (40) nor more than eighty (80) hours. The court in which any such  
21 conviction is had shall notify the county superintendent of public  
22 health of such conviction.

23 B. Any person who engages in an act of prostitution with  
24 knowledge that ~~they are~~ he or she is infected with the human

1 immunodeficiency virus shall, upon conviction, be guilty of a felony  
2 punishable by imprisonment in the custody of the Department of  
3 Corrections for not more than five (5) years.

4 C. Any person who engages in an act of child prostitution, as  
5 defined in Section 1030 of this title, shall, upon conviction, be  
6 guilty of a felony punishable by imprisonment in the custody of the  
7 Department of Corrections for not more than ten (10) years and by  
8 fines as follows: a fine of not more than Five Thousand Dollars  
9 (\$5,000.00) upon the first conviction, a fine of not more than Ten  
10 Thousand Dollars (\$10,000.00) upon the second conviction, and a fine  
11 of not more than Fifteen Thousand Dollars (\$15,000.00) upon the  
12 third or subsequent convictions.

13 D. Any person violating any of the provisions of Section 1028,  
14 1029 or 1030 of this title within one thousand (1,000) feet of a  
15 school or church shall, upon conviction, be guilty of a felony and,  
16 ~~upon conviction,~~ shall be punished by imprisonment in the custody of  
17 the Department of Corrections for not more than five (5) years or by  
18 fines as follows: a fine of not more than Two Thousand Five Hundred  
19 Dollars (\$2,500.00) upon the first conviction for violation of any  
20 of such provisions, a fine of not more than Five Thousand Dollars  
21 (\$5,000.00) upon the second conviction for violation of any of such  
22 provisions, and a fine of not more than Seven Thousand Five Hundred  
23 Dollars (\$7,500.00) upon the third or subsequent convictions for  
24 violation of any of such provisions, or by both such imprisonment

1 and fine. In addition, the court may require a term of community  
2 service ~~of~~ not less than forty (40) nor more than eighty (80) hours.  
3 The court in which any such conviction is had shall notify the  
4 county superintendent of public health of such conviction.

5 E. Any person violating paragraph 4 of subsection A of Section  
6 1029 of this title shall, upon conviction, be guilty of a felony and  
7 shall be punished in accordance with the provisions of subsection B  
8 of Section 3 of this act.

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

12 A. It shall be unlawful for any person who pays a fee for a  
13 sexual encounter to publish a review of that sexual encounter or to  
14 publish a review of the pubic area, buttocks, or breasts experienced  
15 in the sexual encounter on a website that facilitates, encourages,  
16 offers, solicits, or promotes sexual conduct with another for a fee.

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

- 21 a. not more than One Thousand Dollars (\$1,000.00) upon  
22 the first conviction,
- 23 b. not more than Two Thousand Five Hundred Dollars  
24 (\$2,500.00) upon the second conviction, and

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

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

9           a.    not more than Five Thousand Dollars (\$5,000.00) upon  
10                   the first conviction,

11           b.    not more than Ten Thousand Dollars (\$10,000.00) upon  
12                   the second conviction, and

13           c.    not more than Fifteen Thousand Dollars (\$15,000.00)  
14                   upon the third or subsequent convictions.

15           3.    The terms of imprisonment specified in this subsection shall  
16 not be subject to statutory provisions for suspension, deferral, or  
17 probation or state correctional institution earned credits accruing  
18 from and after November 1, 1989, except for the achievement earned  
19 credits authorized by subsection H of Section 138 of Title 57 of the  
20 Oklahoma Statutes. To qualify for such achievement earned credits,  
21 inmates must also be in compliance with the standards for Class  
22 level 2 behavior, as defined in subsection D of Section 138 of Title  
23 57 of the Oklahoma Statutes.

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

5 C. As used in this section, "publish" means to circulate,  
6 deliver, distribute, disseminate, transmit, or otherwise make  
7 available to another person.

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

9 SECTION 5. It being immediately necessary for the preservation  
10 of the public peace, health or safety, an emergency is hereby  
11 declared to exist, by reason whereof this act shall take effect and  
12 be in full force from and after its passage and approval."

13  
14 Passed the Senate the 26th day of April, 2023.

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16 \_\_\_\_\_  
17 Presiding Officer of the Senate

18 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
19 2023.

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21 \_\_\_\_\_  
22 Presiding Officer of the House  
23 of Representatives  
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1 ENGROSSED HOUSE  
2 BILL NO. 2054

By: Roberts and Boles of the  
House

3 and

4 Weaver of the Senate

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

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

13 SECTION 6. AMENDATORY 21 O.S. 2021, Section 1029, as  
14 amended by Section 3, Chapter 20, O.S.L. 2022 (21 O.S. Supp. 2022,  
15 Section 1029), is amended to read as follows:

16 Section 1029. A. It shall further be unlawful:

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

18 2. To solicit, induce, or entice, ~~or procure~~ another person to  
19 ~~commit~~ pay a fee for an act of lewdness, assignation, or

20 prostitution, with himself or herself;

21 3. To reside in, enter, or remain in any house, place,  
22 building, or other structure, or to enter or remain in any vehicle,  
23 trailer, or other conveyance with the intent of committing an act of  
24 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 7.       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 8. 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 9. This act shall become effective July 1, 2023.  
24

1 SECTION 10. It being immediately necessary for the preservation  
2 of the public peace, health or safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

5 Passed the House of Representatives the 22nd day of March, 2023.

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\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

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10 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2023.

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Presiding Officer of the Senate

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