

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL NO. 2054

By: Roberts and Boles of the  
House

6 and

7 Weaver of the Senate

8  
9 COMMITTEE SUBSTITUTE

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

13  
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

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

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

5           4. To knowingly offer money or any other item or service of  
6 value, or agree to provide or pay money or any other item or service  
7 of value to, or on behalf of, another person, for the purpose of  
8 engaging in sexual conduct, as defined in subsection B of Section  
9 1024.1 of this title, with that person or another; or

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

12          B. Any prohibited act described in paragraph 1, 2, 3 ~~or~~, 4, or  
13 5 of subsection A of this section committed with a person under  
14 eighteen (18) years of age shall be deemed child prostitution, as  
15 defined in Section 1030 of this title, and shall be punishable as  
16 provided in Section 1031 of this title.

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

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

23          Section 1031. A. Except as provided in subsection B ~~or~~, C, D,  
24 or E of this section, any person violating any of the provisions of

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

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

22 C. Any person who engages in an act of child prostitution, as  
23 defined in Section 1030 of this title, shall, upon conviction, be  
24 guilty of a felony punishable by imprisonment in the custody of the

1 Department of Corrections for not more than ten (10) years and by  
2 fines as follows: a fine ~~of~~ not more than Five Thousand Dollars  
3 (\$5,000.00) upon the first conviction, a fine ~~of~~ not more than Ten  
4 Thousand Dollars (\$10,000.00) upon the second conviction, and a fine  
5 ~~of~~ not more than Fifteen Thousand Dollars (\$15,000.00) upon the  
6 third or subsequent convictions.

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

23 E. Any person violating paragraph 4 of subsection A of Section  
24 1029 of this title shall, upon conviction, be guilty of a felony and

1 shall be punished in accordance with the provisions of subsection B  
2 of Section 3 of this act.

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

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

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

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

17 b. not more than Two Thousand Five Hundred Dollars  
18 (\$2,500.00) upon the second conviction, and

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

21 2. Any person who violates the provisions of this section where  
22 the victim of the offense is under eighteen (18) years of age at the  
23 time of the offense shall, upon conviction, be guilty of a felony  
24 punishable by imprisonment in the custody of the Department of

1 Corrections for a term not more than ten (10) years and by fines as  
2 follows:

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

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

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

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

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

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

6

7 59-1-2089 JES 4/6/2023 9:55:43 AM

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24