

1 **SENATE FLOOR VERSION**

2 April 6, 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 [crimes and punishments - penalties for prostitution
10 - codification - effective date -
11 emergency]

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

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

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

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

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

23 3. To reside in, enter, or remain in any house, place,
24 building, or other structure, or to enter or remain in any vehicle,

1 trailer, or other conveyance with the intent of committing an act of
2 prostitution, lewdness, or assignation; ~~or~~

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

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

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

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

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

21 Section 1031. A. Except as provided in subsection B ~~or~~, C, D,
22 or E of this section, any person violating any of the provisions of
23 Section 1028, paragraph 1, 2, 3, or 5 of subsection A of Section
24 1029, or Section 1030 of this title shall, upon conviction, be

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

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

20 C. Any person who engages in an act of child prostitution, ~~as~~
21 defined in Section 1030 of this title, ~~shall,~~ upon conviction, be
22 guilty of a felony punishable by imprisonment in the custody of the
23 Department of Corrections for not more than ten (10) years and by
24 fines as follows: a fine ~~of~~ not more than Five Thousand Dollars

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

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

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

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 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 not more than ten (10) years and by fines as
24 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 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.
24

1 SECTION 5. 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 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
6 April 6, 2023 - DO PASS AS AMENDED BY CS
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