

1 **SENATE FLOOR VERSION**

2 February 11, 2025

3 SENATE BILL NO. 869

By: Hamilton

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6 An Act relating to prostitution; amending 21 O.S.
7 2021, Section 1031, as last amended by Section 2,
8 Chapter 267, O.S.L. 2024 (21 O.S. Supp. 2024, Section
9 1031), which relates to punishment for violations;
10 modifying penalty provisions for certain offense;
11 creating felony offense; providing for penalties;
12 updating statutory language and reference; and
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1031, as
16 last amended by Section 2, Chapter 267, O.S.L. 2024 (21 O.S. Supp.
17 2024, Section 1031), is amended to read as follows:

18 Section 1031. A. 1. ~~Except as provided in subsection B, C, D,~~
19 ~~or E of this section, any~~ Any person violating any of the provisions
20 of paragraph ~~1,~~ 2, 3, or 5 of subsection A of Section 1029 ~~or~~
21 ~~Section 1030~~ of this title shall, upon conviction, be guilty of a
22 misdemeanor ~~and shall be punished~~ punishable by imprisonment in the
23 county jail for not less than thirty (30) days nor more than one (1)
24 year ~~or,~~ by fines as follows: a fine not more than Two Thousand
Five Hundred Dollars (\$2,500.00) upon the first conviction ~~for~~
~~violation of any of such provisions,~~ a fine not more than Five

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

10 2. Any person violating any of the provisions of paragraph 1 of
11 subsection A of Section 1029 of this title shall, upon conviction,
12 be guilty of a felony punishable by imprisonment in the custody of
13 the Department of Corrections for not more than two (2) years, by
14 finest as follows: a fine not more than One Thousand Dollars
15 (\$1,000.00) upon the first conviction, a fine not more than One
16 Thousand Five Hundred Dollars (\$1,500.00) upon the second
17 conviction, and a fine not more than Three Thousand Dollars
18 (\$3,000.000) upon the third or subsequent convictions, or by both
19 such imprisonment and fine.

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

1 C. Any person who engages in an act of child ~~prostitution~~ sex
2 trafficking as ~~defined~~ provided in Section ~~1030~~ 1029 of this title
3 shall, upon conviction, be guilty of a felony punishable by
4 imprisonment in the custody of the Department of Corrections for not
5 more than ten (10) years and by fines as follows: a fine not more
6 than Five Thousand Dollars (\$5,000.00) upon the first conviction, a
7 fine not more than Ten Thousand Dollars (\$10,000.00) upon the second
8 conviction, and a fine not more than Fifteen Thousand Dollars
9 (\$15,000.00) upon the third or subsequent convictions.

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

3 E. Any person violating paragraph 4 of subsection A of Section
4 1029 of this title shall, upon conviction, be guilty of a felony and
5 shall be punished in accordance with the provisions of subsection B
6 of Section 1040.57 of this title.

7 SECTION 2. This act shall become effective November 1, 2025.

8 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
9 February 11, 2025 - DO PASS

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