

1 **SENATE FLOOR VERSION**

2 April 11, 2024

3 ENGROSSED HOUSE
4 BILL NO. 3157

By: Roberts of the House

5 and

6 Weaver of the Senate

7
8 An Act relating to prostitution; amending 21 O.S.
9 2021, Sections 1028 and 1031, as amended by Section
10 2, Chapter 265, O.S.L. 2023 (21 O.S. Supp. 2023,
11 Section 1031), which relate to prostitution offenses
12 and related penalties; specifying penalties and fine
13 amounts for certain offenses; providing limitations
14 on prison terms; updating internal statutory
15 references; and providing an effective date.

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

17 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1028, is
18 amended to read as follows:

19 Section 1028. A. It shall be unlawful in the State of
20 Oklahoma:

21 ~~(a)~~ 1. To keep, set up, maintain, or operate any house, place,
22 building, other structure, or part thereof, or vehicle, trailer, or
23 other conveyance with the intent of committing an act of
24 prostitution, lewdness, or assignation;

~~(b)~~ 2. To knowingly own any house, place, building, other
structure, or part thereof, or vehicle, trailer, or other conveyance

1 used with the intent of committing an act of lewdness, assignation,
2 or prostitution, or to let, lease, or rent, or contract to let,
3 lease, or rent any such place, premises, or conveyance, or part
4 thereof, to another with knowledge or reasonable cause to believe
5 that the intention of the lessee or rentee is to use such place,
6 premises, or conveyance for prostitution, lewdness, or assignation;

7 ~~(e)~~ 3. To offer, or to offer to secure, another with the intent
8 of having such person commit an act of prostitution, or with the
9 intent of having such person commit any other lewd or indecent act;

10 ~~(d)~~ 4. To receive or to offer or agree to receive any person
11 into any house, place, building, other structure, vehicle, trailer,
12 or other conveyance with the intent of committing an act of
13 prostitution, lewdness, or assignation, or to permit any person to
14 remain there with such intent;

15 ~~(e)~~ 5. To direct, take, or transport, or to offer or agree to
16 take or transport, or aid or assist in transporting, any person to
17 any house, place, building, other structure, vehicle, trailer, or
18 other conveyance, or to any other person with knowledge or having
19 reasonable cause to believe that the intent of such directing,
20 taking or transporting is prostitution, lewdness or assignation;

21 ~~(f)~~ 6. To knowingly accept, receive, levy, or appropriate any
22 money or other thing of value without consideration from a
23 prostitute or from the proceeds of any ~~woman~~ person engaged in
24 prostitution; or

1 ~~(g)~~ 7. To knowingly abet the crime of prostitution by allowing
2 a house, place, building, or parking lot to be used or occupied by a
3 person who is soliciting, inducing, enticing, or procuring another
4 to commit an act of lewdness, assignation, or prostitution or who is
5 engaging in prostitution, lewdness, or assignation on the premises
6 of the house, place, building, or parking lot.

7 B. Any person who violates the provisions of this section
8 shall, upon conviction, be guilty of a felony punishable by
9 imprisonment in the Department of Corrections for a term of not more
10 than five (5) years, and by a fine as follows:

11 1. Not more than Five Thousand Dollars (\$5,000.00) upon the
12 first conviction;

13 2. Not more than Ten Thousand Dollars (\$10,000.00) upon the
14 second conviction; and

15 3. Not more than Fifteen Thousand Dollars (\$15,000.00) upon the
16 third or subsequent conviction.

17 C. Any person who violates the provisions of this section where
18 the victim of the offense is under eighteen (18) years of age at the
19 time of the offense shall, upon conviction, be guilty of a felony
20 punishable by imprisonment in the custody of the Department of
21 Corrections for a term of not more than fifteen (15) years, and by a
22 fine as follows:

23 1. Not more than Ten Thousand Dollars (\$10,000.00) upon the
24 first conviction;

1 2. Not more than Twenty Thousand Dollars (\$20,000.00) upon the
2 second conviction; and

3 3. Not more than Thirty Thousand Dollars (\$30,000.00) upon the
4 third or subsequent conviction.

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

13 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1031, as
14 amended by Section 2, Chapter 265, O.S.L. 2023 (21 O.S. Supp. 2023,
15 Section 1031), is amended to read as follows:

16 Section 1031. A. Except as provided in subsection B, C, D, or
17 E of this section, any person violating any of the provisions of
18 ~~Section 1028~~, paragraph 1, 2, 3, or 5 of subsection A of Section
19 ~~1029~~, or Section 1030 of this title shall, upon conviction, be
20 guilty of a misdemeanor and shall be punished by imprisonment in the
21 county jail for not less than thirty (30) days nor more than one (1)
22 year or by fines as follows: a fine not more than Two Thousand Five
23 Hundred Dollars (\$2,500.00) upon the first conviction for violation
24 of any of such provisions, a fine not more than Five Thousand

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

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

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

23 D. Any person violating any of the provisions of Section ~~1028,~~
24 1029 or 1030 of this title within one thousand (1,000) feet of a

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

15 E. Any person violating paragraph 4 of subsection A of Section
16 1029 of this title shall, upon conviction, be guilty of a felony and
17 shall be punished in accordance with the provisions of subsection B
18 of Section ~~3~~ 1040.57 of this ~~act~~ title.

19 SECTION 3. This act shall become effective November 1, 2024.

20 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
21 April 11, 2024 - DO PASS
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