

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3157

By: Roberts

AS INTRODUCED

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

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

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

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

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

~~(b)~~ 2. To knowingly own any house, place, building, other structure, or part thereof, or vehicle, trailer, or other conveyance used with the intent of committing an act of lewdness, assignation,

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

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

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

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

20 ~~(f)~~ 6. To knowingly accept, receive, levy, or appropriate any  
21 money or other thing of value without consideration from a  
22 prostitute or from the proceeds of any woman engaged in  
23 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 less  
10 than sixty (60) days and not more than five (5) years, and by a fine  
11 as follows:

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

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

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

18        C. Any person who violates the provisions of this section where  
19 the victim of the offense is under eighteen (18) years of age at the  
20 time of the offense shall, upon conviction, be guilty of a felony  
21 punishable by imprisonment in the custody of the Department of  
22 Corrections for a term not less than one hundred twenty (120) days  
23 and not more than twenty (20) years, and by a fine as follows:

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

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

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

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

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

18       Section 1031. A. Except as provided in subsection B, C, D, or  
19 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  
21 1029~~7~~, or Section 1030 of this title shall, upon conviction, be  
22 guilty of a misdemeanor and shall be punished 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  
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1 Hundred Dollars (\$2,500.00) upon the first conviction for violation  
2 of any of such provisions, a fine not more than Five Thousand  
3 Dollars (\$5,000.00) upon the second conviction for violation of any  
4 of such provisions, and a fine not more than Seven Thousand Five  
5 Hundred Dollars (\$7,500.00) upon the third or subsequent convictions  
6 for violation of any of such provisions, or by both such  
7 imprisonment and fine. In addition, the court may require a term of  
8 community service not less than forty (40) nor more than eighty (80)  
9 hours. The court in which any such conviction is had shall notify  
10 the county superintendent of public health of such conviction.

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

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

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

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

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

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23 59-2-8425 GRS 11/16/23  
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