

1 ENGROSSED HOUSE
2 BILL NO. 1786

By: Pae, Talley, Bush and Russ
of the House

3 and

4 Weaver of the Senate
5
6

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2011, Section 1031, which relates to
9 penalties for prostitution-related offenses;
10 increasing penalty for certain prohibited acts;
11 updating certain statutory reference; providing
12 separate penalties for certain unlawful act; 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. 2011, Section 1031, is
16 amended to read as follows:

17 Section 1031. A. Except as provided in subsection B or C of
18 this section, any person violating any of the provisions of Section
19 1028, ~~1029 or 1030~~ of this title shall, upon conviction, be guilty
20 of a misdemeanor ~~and, upon conviction, shall be punished~~ punishable
21 by imprisonment in the county jail for not less than thirty (30)
22 days nor more than one (1) year, or by fines as follows: a fine of
23 not more than Two Thousand Five Hundred Dollars (\$2,500.00) upon the
24 first conviction for violation of any of such provisions, and a fine
of not more than Five Thousand Dollars (\$5,000.00) upon the second

1 conviction for violation of any of such provisions, ~~and a fine of~~
2 ~~not more than Seven Thousand Five Hundred Dollars (\$7,500.00) upon~~
3 ~~the third or subsequent convictions for violation of any of such~~
4 ~~provisions,~~ or by both such imprisonment and fine. Upon the third
5 or subsequent convictions for violating any of the provisions of
6 Section 1028 of this title, the person shall be guilty of a felony
7 punishable by imprisonment in the custody of the Department of
8 Corrections for not more than five (5) years, or a fine of not more
9 than Ten Thousand Dollars (\$10,000.00), or by both such imprisonment
10 and fine. In addition, the court may require a term of community
11 service of not less than forty (40) nor more than eighty (80) hours.
12 The court in which any such conviction is had shall notify the
13 county superintendent of public health of such conviction.

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

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

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

4 D. Any Except as provided in subsection C of this section, any
5 person violating any of the provisions of Section 1028, ~~1029 or 1030~~
6 of this title within one thousand (1,000) feet of a school or church
7 shall, upon conviction, be guilty of a felony ~~and, upon conviction,~~
8 ~~shall be punished~~ punishable by imprisonment in the custody of the
9 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)~~ Ten Thousand Dollars (\$10,000.00) upon the third
16 or subsequent convictions for violation of any of such provisions,
17 or by both such imprisonment and fine. In addition, the court may
18 require a term of community service of not less than forty (40) nor
19 more than eighty (80) hours. The court in which any such conviction
20 is had shall notify the county superintendent of public health of
21 such conviction.

22 E. 1. Any person violating any of the provisions of Section
23 1029 of this title shall, upon conviction, be guilty of a
24 misdemeanor punishable by imprisonment in the county jail for not

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

13 2. Any person violating any of the provisions of Section 1029
14 of this title within one thousand (1,000) feet of a school or church
15 shall, upon conviction, be guilty of a felony punishable by
16 imprisonment in the custody of the Department of Corrections for not
17 more than five (5) years or by fines as follows: a fine of not more
18 than Two Thousand Five Hundred Dollars (\$2,500.00) upon the first
19 conviction for violation of any of such provisions, a fine of not
20 more than Five Thousand Dollars (\$5,000.00) upon the second
21 conviction for violation of any of such provisions, and a fine of
22 not more than Seven Thousand Five Hundred Dollars (\$7,500.00) upon
23 the third or subsequent convictions for violation of any of such
24 provisions, or by both such imprisonment and fine. In addition, the

1 court may require a term of community service of not less than forty
2 (40) nor more than eighty (80) hours. The court in which any such
3 conviction is had shall notify the county superintendent of public
4 health of such conviction.

5 SECTION 2. This act shall become effective November 1, 2021.

6 Passed the House of Representatives the 2nd day of March, 2021.

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8 _____
9 Presiding Officer of the House
of Representatives

10 Passed the Senate the ___ day of _____, 2021.

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13 _____
14 Presiding Officer of the Senate