

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2054

6 By: Roberts

7 COMMITTEE SUBSTITUTE

8 An Act relating to crimes and punishments; amending  
9 21 O.S. 2021, Sections 1029, as amended by Section 3,  
10 Chapter 20, O.S.L. 2022 and 1031, which relate to  
11 prostitution and penalties for prostitution;  
12 modifying elements of certain unlawful act; making  
13 certain conduct unlawful; updating internal  
14 citations; providing penalty for certain violation;  
15 making certain acts unlawful; providing penalties;  
16 defining term; providing for codification; providing  
17 an effective date; and declaring an emergency.

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

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

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

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

24 2. To solicit, induce, or entice, ~~or procure~~ another person to  
~~commit~~ pay a fee for an act of lewdness, assignation, or  
prostitution, with himself or herself;

1 3. To reside in, enter, or remain in any house, place,  
2 building, or other structure, or to enter or remain in any vehicle,  
3 trailer, or other conveyance with the intent of committing an act of  
4 prostitution, lewdness, or assignation; ~~or~~

5 4. To knowingly offer to pay a fee or agree to pay a fee to  
6 another person for the purpose of engaging in sexual conduct, as  
7 such term is defined in subsection B of Section 1024.1 of this  
8 title, with that person or another; or

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

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

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

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

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

1 or 1030 of this title shall, upon conviction, be guilty of a  
2 misdemeanor and, ~~upon conviction~~, shall be punished by imprisonment  
3 in the county jail for not less than thirty (30) days nor more than  
4 one (1) year or by fines as follows: a fine of not more than Two  
5 Thousand Five Hundred Dollars (\$2,500.00) upon the first conviction  
6 for violation of any of such provisions, a fine of not more than  
7 Five Thousand Dollars (\$5,000.00) upon the second conviction for  
8 violation of any of such provisions, and a fine of not more than  
9 Seven Thousand Five Hundred Dollars (\$7,500.00) upon the third or  
10 subsequent convictions for violation of any of such provisions, or  
11 by both such imprisonment and fine. In addition, the court may  
12 require a term of community service of not less than forty (40) nor  
13 more than eighty (80) hours. The court in which any such conviction  
14 is had shall notify the county superintendent of public health of  
15 such conviction.

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

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

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

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

22 E. Any person violating paragraph 4 of subsection A of Section  
23 1029 of this title shall, upon conviction, be guilty of a felony and  
24

1 shall be punished in accordance with the provisions of subsection B  
2 of Section 3 of this act.

3 SECTION 3. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1040.57 of Title 21, unless  
5 there is created a duplication in numbering, reads as follows:

6 A. It shall be unlawful for any person who pays a fee for a  
7 sexual encounter to publish a review of that sexual encounter or to  
8 publish a review of the pubic area, buttocks, or breasts experienced  
9 in the sexual encounter on a website that facilitates, encourages,  
10 offers, solicits or promotes sexual conduct with another for a fee.

11 B. 1. Any person who violates the provisions of this section  
12 shall, upon conviction, be guilty of a felony punishable by  
13 imprisonment in the Department of Corrections for a term of not less  
14 than three (3) years or for life, or by a fine not exceeding Twenty  
15 Thousand Dollars (\$20,000.00), or by both such fine and  
16 imprisonment.

17 2. 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 less than nine (9) years or for life,  
22 or by a fine not exceeding Twenty-five Thousand Dollars  
23 (\$25,000.00), or by both such fine and imprisonment.

24

1           3. The terms of imprisonment specified in this subsection shall  
2 not be subject to statutory provisions for suspension, deferral or  
3 probation or state correctional institution earned credits accruing  
4 from and after November 1, 1989, except for the achievement earned  
5 credits authorized by subsection H of Section 138 of Title 57 of the  
6 Oklahoma Statutes. To qualify for such achievement earned credits,  
7 such inmates must also be in compliance with the standards for Class  
8 level 2 behavior, as defined in subsection D of Section 138 of Title  
9 57 of the Oklahoma Statutes.

10           4. Upon a second or subsequent conviction, the person shall be  
11 required to register as a sex offender under the Sex Offenders  
12 Registration Act and shall be assigned a risk level of one. Upon a  
13 fifth or subsequent conviction, the person shall be assigned a risk  
14 level of two.

15           C. As used in this section, "publish" means to circulate,  
16 deliver, distribute, disseminate, transmit or otherwise make  
17 available to another person.

18           SECTION 4. This act shall become effective July 1, 2023.

19           SECTION 5. It being immediately necessary for the preservation  
20 of the public peace, health or safety, an emergency is hereby  
21 declared to exist, by reason whereof this act shall take effect and  
22 be in full force from and after its passage and approval.

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