

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2054

By: Roberts and **Boles** of the
House

and

Weaver of the Senate

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10 COMMITTEE SUBSTITUTE

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

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

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

Section 1029. A. It shall further be unlawful:

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

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

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

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

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

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

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

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

1 Section 1031. A. Except as provided in subsection B ~~or~~, C, D
2 or E of this section, any person violating any of the provisions of
3 Section 1028, paragraph 1, 2, 3 or 5 of subsection A of Section 1029
4 or 1030 of this title shall, upon conviction, be guilty of a
5 misdemeanor and, ~~upon conviction~~, shall be punished by imprisonment
6 in the county jail for not less than thirty (30) days nor more than
7 one (1) year or by fines as follows: a fine of not more than Two
8 Thousand Five Hundred Dollars (\$2,500.00) upon the first conviction
9 for violation of any of such provisions, a fine of not more than
10 Five Thousand Dollars (\$5,000.00) upon the second conviction for
11 violation of any of such provisions, and a fine of not more than
12 Seven Thousand Five Hundred Dollars (\$7,500.00) upon the third or
13 subsequent convictions for violation of any of such provisions, or
14 by both such imprisonment and fine. In addition, the court may
15 require a term of community service of not less than forty (40) nor
16 more than eighty (80) hours. The court in which any such conviction
17 is had shall notify the county superintendent of public health of
18 such conviction.

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

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

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

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1 The court in which any such conviction is had shall notify the
2 county 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 3 of this act.

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

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

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

21 2. Any person who violates the provisions of this section where
22 the victim of the offense is under eighteen (18) years of age at the
23 time of the offense shall, upon conviction, be guilty of a felony
24 punishable by imprisonment in the custody of the Department of

1 Corrections for a term of not less than nine (9) years or for life,
2 or by a fine not exceeding Twenty-five Thousand Dollars
3 (\$25,000.00), or by both such fine and imprisonment.

4 3. The terms of imprisonment specified in this subsection shall
5 not be subject to statutory provisions for suspension, deferral or
6 probation or state correctional institution earned credits accruing
7 from and after November 1, 1989, except for the achievement earned
8 credits authorized by subsection H of Section 138 of Title 57 of the
9 Oklahoma Statutes. To qualify for such achievement earned credits,
10 such inmates must also be in compliance with the standards for Class
11 level 2 behavior, as defined in subsection D of Section 138 of Title
12 57 of the Oklahoma Statutes.

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

18 C. As used in this section, "publish" means to circulate,
19 deliver, distribute, disseminate, transmit or otherwise make
20 available to another person.

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

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

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4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated
5 02/23/2023 - DO PASS, As Amended and Coauthored.

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