

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 55th Legislature (2016)

4 HOUSE BILL 2425

 By: Kern

7 AS INTRODUCED

8 An Act relating to sex crimes; amending 21 O.S. 2011,
9 Sections 1029, as amended by Section 2, Chapter 59,
10 O.S.L. 2013 and 1030 (21 O.S. Supp. 2015, Section
11 1029), which relate to engaging in or soliciting
12 prostitution; increasing certain age limitation;
13 modifying child prostitution definition; amending 57
14 O.S. 2011, Section 582, as amended by Section 1,
15 Chapter 230, O.S.L. 2014 (57 O.S. Supp. 2015, Section
16 582), which relates to the Sex Offenders Registration
17 Act; adding statutory reference; and providing an
18 effective date.

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

17 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1029, as
18 amended by Section 2, Chapter 59, O.S.L. 2013 (21 O.S. Supp. 2015,
19 Section 1029), is amended to read as follows:

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

- 21 1. To engage in prostitution, lewdness, or assignation;
22 2. To solicit, induce, entice, or procure another to commit an
23 act of lewdness, assignation, or prostitution, with himself or
24 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 aid, abet, or participate in the doing of any of the acts
6 prohibited in paragraph 1, 2 or 3 of this subsection.

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

12 C. In any prosecution of a person sixteen (16) or seventeen
13 (17) years of age for an offense described in subsection A of this
14 section, there shall be a presumption that the actor was coerced
15 into committing such offense by another person in violation of the
16 human trafficking provisions set forth in Section 748 of this title.

17 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1030, is
18 amended to read as follows:

19 Section 1030. As used in the Oklahoma Statutes, unless
20 otherwise provided for by law:

21 1. "Prostitution" means:

- 22 a. the giving or receiving of the body for sexual
23 intercourse, fellatio, cunnilingus, masturbation, anal
24 intercourse or lewdness with any person not his or her

1 spouse, in exchange for money or any other thing of
2 value, or

3 b. the making of any appointment or engagement for sexual
4 intercourse, fellatio, cunnilingus, masturbation, anal
5 intercourse or lewdness with any person not his or her
6 spouse, in exchange for money or any other thing of
7 value;

8 2. "Child prostitution" means prostitution or lewdness as
9 defined in this section with a person under ~~sixteen (16)~~ eighteen
10 (18) years of age, in exchange for money or any other thing of
11 value;

12 3. "Anal intercourse" means contact between human beings of the
13 genital organs of one and the anus of another;

14 4. "Cunnilingus" means any act of oral stimulation of the vulva
15 or clitoris;

16 5. "Fellatio" means any act of oral stimulation of the penis;

17 6. "Lewdness" means:

18 a. any lascivious, lustful or licentious conduct,

19 b. the giving or receiving of the body for indiscriminate
20 sexual intercourse, fellatio, cunnilingus,
21 masturbation, anal intercourse, or lascivious, lustful
22 or licentious conduct with any person not his or her
23 spouse, or
24

1 c. any act in furtherance of such conduct or any
2 appointment or engagement for prostitution; and

3 7. "Masturbation" means stimulation of the genital organs by
4 manual or other bodily contact exclusive of sexual intercourse.

5 SECTION 3. AMENDATORY 57 O.S. 2011, Section 582, as
6 amended by Section 1, Chapter 230, O.S.L. 2014 (57 O.S. Supp. 2015,
7 Section 582), is amended to read as follows:

8 Section 582. A. The provisions of the Sex Offenders
9 Registration Act shall apply to any person residing, working or
10 attending school within the State of Oklahoma who, after November 1,
11 1989, has been convicted, whether upon a verdict or plea of guilty
12 or upon a plea of nolo contendere, or received a suspended sentence
13 or any probationary term, or is currently serving a sentence or any
14 form of probation or parole for a crime or an attempt to commit a
15 crime provided for in Section 843.5 of Title 21 of the Oklahoma
16 Statutes if the offense involved sexual abuse or sexual exploitation
17 as those terms are defined in Section 1-1-105 of Title 10A of the
18 Oklahoma Statutes, Section 681, if the offense involved sexual
19 assault, 741, if the offense involved sexual abuse or sexual
20 exploitation, Section 748, if the offense involved human trafficking
21 for commercial sex, Section 843.1, if the offense involved sexual
22 abuse or sexual exploitation, Section 852.1, if the offense involved
23 sexual abuse of a child, 865 et seq., 885, 886, 888, 891, if the
24 offense involved sexual abuse or sexual exploitation, 1021, 1021.2,

1 1021.3, 1024.2, 1029, if the offense involved child prostitution,
2 1040.8, if the offense involved child pornography, 1040.12a,
3 1040.13, 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of Title 21 of
4 the Oklahoma Statutes.

5 B. The provisions of the Sex Offenders Registration Act shall
6 apply to any person who after November 1, 1989, resides, works or
7 attends school within the State of Oklahoma and who has been
8 convicted or received a suspended sentence at any time in any court
9 of another state, the District of Columbia, Puerto Rico, Guam,
10 American Samoa, the Northern Mariana Islands and the United States
11 Virgin Islands, a federal court, an Indian tribal court, a military
12 court, or a court of a foreign country for a crime, attempted crime
13 or a conspiracy to commit a crime which, if committed or attempted
14 in this state, would be a crime, an attempt to commit a crime or a
15 conspiracy to commit a crime provided for in any of said laws listed
16 in subsection A of this section.

17 C. The provisions of the Sex Offenders Registration Act shall
18 apply to any person who resides, works or attends school within the
19 State of Oklahoma and who has received a deferred judgment at any
20 time in any court of another state, the District of Columbia, Puerto
21 Rico, Guam, American Samoa, the Northern Mariana Islands and the
22 United States Virgin Islands, a federal court, an Indian tribal
23 court, a military court, or a court of a foreign country for a
24 crime, attempted crime or a conspiracy to commit a crime which, if

1 committed or attempted or conspired to be committed in this state,
2 would be a crime, an attempt to commit a crime or a conspiracy to
3 commit a crime provided for in Section 843.5 of Title 21 of the
4 Oklahoma Statutes if the offense involved sexual abuse or sexual
5 exploitation as those terms are defined in Section 1-1-105 of Title
6 10A of the Oklahoma Statutes, Section 681, if the offense involved
7 sexual assault, 741, if the offense involved sexual abuse or sexual
8 exploitation, Section 748, if the offense involved human trafficking
9 for commercial sex, Section 843.1, if the offense involved sexual
10 abuse or sexual exploitation, Section 852.1, if the offense involved
11 sexual abuse of a child, 865 et seq., 885, 886, 888, 891, if the
12 offense involved sexual abuse or sexual exploitation, 1021, 1021.2,
13 1021.3, 1024.2, 1029, if the offense involved child prostitution,
14 1040.8, if the offense involved child pornography, 1040.12a,
15 1040.13, 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of Title 21 of
16 the Oklahoma Statutes. The provisions of the Sex Offenders
17 Registration Act shall not apply to any such person while the person
18 is incarcerated in a maximum or medium correctional institution of
19 the Department of Corrections.

20 D. On the effective date of this act, any person registered as
21 a sex offender pursuant to Section 741 of Title 21 of the Oklahoma
22 Statutes shall be summarily removed from the Sex Offender Registry
23 by the Department of Corrections and all law enforcement agencies of
24

1 any political subdivision of this state, unless the offense involved
2 sexual abuse or sexual exploitation.

3 E. The provisions of the Sex Offenders Registration Act shall
4 not apply to any such person who has received a criminal history
5 records expungement for a conviction in another state for a crime or
6 attempted crime which, if committed or attempted in this state,
7 would be a crime or an attempt to commit a crime provided for in any
8 said laws listed in subsection A of this section.

9 SECTION 4. This act shall become effective November 1, 2016.

10

11 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
12 dated 02/10/2016 - DO PASS.

13

14

15

16

17

18

19

20

21

22

23

24