An Act

ENROLLED HOUSE
BILL NO. 2054

By: Roberts and Boles of the House

and

Weaver of the Senate

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

SUBJECT: Crimes and punishments

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

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

Section 1029. A. It shall further be unlawful:

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

2. To solicit, induce, <u>or</u> entice~~, or procure~~ another <u>person</u> to ~~commit~~ <u>pay or provide money or any other item or service of value to engage in</u> an act of lewdness, assignation, or prostitution, with himself or herself;

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

4. To knowingly offer money or any other item or service of value, or agree to provide or pay money or any other item or service of value to, or on behalf of, another person, for the purpose of engaging in sexual conduct, as defined in subsection B of Section 1024.1 of this title, with that person or another; or

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

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

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

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

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

conviction is had shall notify the county superintendent of public health of such conviction.

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

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

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

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

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

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

B. 1. Any person who violates the provisions of this section shall, upon conviction, be guilty of a felony punishable by imprisonment in the Department of Corrections for a term not more than three (3) years and by fines as follows:

a. not more than One Thousand Dollars ($1,000.00) upon the first conviction,

b. not more than Two Thousand Five Hundred Dollars ($2,500.00) upon the second conviction, and

c. not more than Five Thousand Dollars ($5,000.00) upon the third or subsequent convictions.

2. Any person who violates the provisions of this section where the victim of the offense is under eighteen (18) years of age at the time of the offense shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not more than ten (10) years and by fines as follows:

a. not more than Five Thousand Dollars ($5,000.00) upon the first conviction,

b. not more than Ten Thousand Dollars ($10,000.00) upon the second conviction, and

c. not more than Fifteen Thousand Dollars ($15,000.00) upon the third or subsequent convictions.

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

4. Upon a third conviction, the person shall be required to register as a sex offender under the Sex Offenders Registration Act and shall be assigned a risk level of one. Upon a sixth conviction, the person shall be assigned a risk level of two.

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

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

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

Passed the House of Representatives the 15th day of May, 2023.

Presiding Officer of the House

of Representatives

Passed the Senate the 26th day of April, 2023.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 16th

day of May, 20 23, at 2:52 o'clock p. M.

By: _____

Approved by the Governor of the State of Oklahoma this 22nd

day of May, 20 23, at 8:25 o'clock a. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 22nd

day of May, 20 23, at 9:21 o'clock A M.

By: _____