

2ND ENROLLED HOUSE
BILL NO. 1148

By: Boyd (Betty), Caldwell,
Fields, Graves, Monks,
Paulk, Smith (Bill),
Sullivan, Thornbrugh,
Todd and York of the
House

and

Williams (Penny) of the
Senate

An Act relating to crimes and punishments; amending 21 O.S. 1991, Sections 1029 and 1030, as amended by Sections 2 and 3, Chapter 143, O.S.L. 1992, and 1031 (21 O.S. Supp. 1992, Sections 1029 and 1030), which relate to prostitution, definitions and punishments; modifying language; prohibiting child prostitution; defining term; stating penalty; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1029, as amended by Section 2, Chapter 143, O.S.L. 1992 (21 O.S. Supp. 1992, Section 1029), is amended to read as follows:

Section 1029. A. It shall further be unlawful:

- ~~(a)~~ 1. To engage in prostitution, lewdness, or assignation;
- ~~(b)~~ 2. To solicit, induce, entice, or procure another to commit an act of lewdness, assignation, or prostitution, with himself or herself;
- ~~(c)~~ 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
- ~~(d)~~ 4. To aid, abet, or participate in the doing of any of the acts ~~herein~~ prohibited in paragraph 1, 2 or 3 of this subsection.

B. Any prohibited act described in paragraph 1, 2, 3 or 4 of subsection A of this section committed with a person under sixteen (16) 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.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 1030, as amended by Section 3, Chapter 143, O.S.L. 1992 (21 O.S. Supp. 1992, Section 1030), is amended to read as follows:

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

1. "Prostitution" means:

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

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

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

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

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

~~3.~~ 4. "Cunnilingus" means any act of oral stimulation of the vulva or clitoris;

~~4.~~ 5. "Fellatio" means any act of oral stimulation of the penis;

~~5.~~ 6. "Lewdness" means:

- a. any lascivious, lustful or licentious conduct,
- b. the giving or receiving of the body for indiscriminate sexual intercourse, fellatio, cunnilingus, masturbation, anal intercourse, or lascivious, lustful or licentious conduct with any person not his or her spouse, or
- c. any act in furtherance of such conduct or any appointment or engagement for prostitution; and

~~6.~~ 7. "Masturbation" means stimulation of the genital organs by manual or other bodily contact exclusive of sexual intercourse.

SECTION 3. AMENDATORY 21 O.S. 1991, Section 1031, is amended to read as follows:

Section 1031. A. Any Except as provided in subsection B or C of this section, any person violating any of the provisions of ~~Sections~~ Section 1028, 1029 or 1030 of this title shall be guilty of a misdemeanor and, upon conviction, shall be imprisoned in the county jail for not less than thirty (30) days nor more than one (1) year; and 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 infected with the human immunodeficiency virus shall 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.

SECTION 4. This act shall become effective September 1, 1993.

Passed the House of Representatives the 26th day of May, 1993.

Speaker of the House of Representatives

Passed the Senate the 25th day of May, 1993.

President of the Senate