

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

SENATE BILL 771

By: Leftwich

AS INTRODUCED

An Act relating to crimes and criminal procedure; amending 21 O.S. 2001, Section 1031, as amended by Section 2, Chapter 120, O.S.L. 2002 (21 O.S. Supp. 2002, Section 1031), which relates to punishment for prostitution and related crimes; modifying crimes that constitute certain felony; repealing Section 4, Chapter 120, O.S.L. 2002 (22 O.S. Supp. 2002, Section 1101.1), which relates to bail for prostitution and related crimes; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 1031, as amended by Section 2, Chapter 120, O.S.L. 2002 (21 O.S. Supp. 2002, Section 1031), is amended to read as follows:

Section 1031. A. Except as provided in subsection B or C of this section, any person violating any of the provisions of Section 1028, 1029 or 1030 of this title shall 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 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 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~~7~~ or 1029 ~~or 1030~~ of this title by committing within one thousand (1,000) feet of a school or church an act of prostitution or child prostitution, as defined in Section 1030 of this title, or an act furthering, aiding, or abetting an act of prostitution or child prostitution shall 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.

SECTION 2. REPEALER Section 4, Chapter 120, O.S.L. 2002 (22 O.S. Supp. 2002, Section 1101.1), is hereby repealed.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and 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.

49-1-574

SB

6/12/2015 7:57:45 PM