

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 524

By: Aldridge

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 1087 and 1088, which relate to procuring and inducing child under eighteen years of age for prostitution; making gender neutral; including procuring child for lewd acts as offense; criminalizing inducing certain child to have sex or remain in certain places for certain purposes; setting certain age difference for purpose of prosecution; exempting married persons; setting penalty; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 1087, is amended to read as follows:

Section 1087. A. No person shall:

1. Offer, or offer to secure, a child under eighteen (18) years of age for the purpose of prostitution, or for any other lewd or indecent act, or procure or offer to procure a child for, or a place for a child as an inmate in, a house of prostitution or other place where prostitution ~~is~~ or any lewd or indecent acts are practiced;

2. Receive or ~~to~~ offer or agree to receive any child under eighteen (18) years of age into any house, place, building, other structure, vehicle, trailer, or other conveyance for the purpose of prostitution, lewdness, or assignation, or to permit any person to remain there for such purpose; or

3. Direct, take, or transport, or ~~to~~ offer or agree to take or transport, or aid or assist in transporting, any child under eighteen (18) years of age to any house, place, building, other structure, vehicle, trailer, or other conveyance, or to any other person with knowledge or having reasonable cause to believe that the

purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation;

B. 1. Any person violating the provisions of this section shall, upon conviction, be guilty of a felony punishable by imprisonment of not less than one (1) year nor more than ten (10) years.

2. Any owner, proprietor, keeper, manager, conductor, or other person who knowingly permits any violation of this section in any house, building, room, or other premises or any conveyances under his or her control or of which he or she has possession shall, upon conviction for the first offense, be guilty of a misdemeanor and punishable by imprisonment in the county jail for a period of not less than six (6) months nor more than one (1) year, and by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00). Upon conviction for a subsequent offense pursuant to this subsection such person shall be guilty of a felony and shall be punished by imprisonment in the State Penitentiary for a period of not less than one (1) year nor more than ten (10) years, or by a fine of not less than Five Thousand Dollars (\$5,000.00) nor more than Twenty-five Thousand Dollars (\$25,000.00) or by both such fine and imprisonment.

SECTION 2. AMENDATORY 21 O.S. 2001, Section 1088, is amended to read as follows:

Section 1088. A. No person shall:

1. By promise, threats, violence, or by any device or scheme, including, but not limited to, the use of any controlled dangerous substance prohibited pursuant to the provisions of the Uniform Controlled Dangerous Substances Act, cause, induce, persuade, or encourage a child under eighteen (18) years of age to engage or continue to engage in prostitution or lewd acts or to become or remain an inmate of a house of prostitution or other place where prostitution ~~is~~ or lewd acts are practiced;

2. Keep, hold, detain, restrain, or compel against his or her will, any child under eighteen (18) years of age to engage in the practice of prostitution or lewd acts or in a house of prostitution or other place where prostitution or any lewd act is practiced or allowed;

3. Directly or indirectly keep, hold, detain, restrain, or compel or attempt to keep, hold, detain, restrain, or compel a child under eighteen (18) years of age to engage in the practice of prostitution or lewd acts or remain in a house of prostitution or any place where prostitution or any lewd act is practiced or allowed for the purpose of compelling such child to directly or indirectly pay, liquidate, or cancel any debt, dues, or obligations incurred, or said to have been incurred by such child.

B. 1. Any person violating the provisions of this section other than paragraph 2 of this subsection, upon conviction, shall be guilty of a felony punishable by imprisonment for not less than one (1) year nor more than twenty-five (25) years, and by a fine of not less than Five Thousand Dollars (\$5,000.00) nor more than Twenty-five Thousand Dollars (\$25,000.00).

2. Any owner, proprietor, keeper, manager, conductor, or other person who knowingly permits a violation of this section in any house, building, room, tent, lot or premises under his or her control or of which he or she has possession, upon conviction for the first offense, shall be guilty of a misdemeanor punishable by imprisonment in the county jail for a period of not less than six (6) months nor more than one (1) year, and by a fine of not more than Five Thousand Dollars (\$5,000.00). Upon conviction for a subsequent offense pursuant to the provisions of this subsection such person shall be guilty of a felony punishable by imprisonment for a period of not less than one (1) year nor more than ten (10) years, and by a fine of not less than Five Thousand Dollars (\$5,000.00) nor more than Twenty-five Thousand Dollars (\$25,000.00).

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1090 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. No person shall willfully allow, cause, induce, persuade, encourage, solicit, offer, procure, secure, keep, hold, detain, restrain, or compel, any child under eighteen (18) years of age who is an adjudicated delinquent, a child in need of supervision, a deprived or neglected child, a runaway child, an endangered runaway child, or a child who is voluntarily absent from the home of his or her parent or legal guardian without such parent's or legal guardian's consent, to:

1. Engage in sexual intercourse or lewd acts with such person;

2. Remain in any house, place, building, other structure; vehicle, trailer or other conveyance for the purpose of consuming any alcoholic beverage or low-point beer or using, selling, procuring, furnishing, distributing or manufacturing any controlled dangerous substance or any other intoxicating substance;

3. Remain in any house, place, building, other structure; vehicle, trailer or other conveyance for the purpose of sexual intercourse or any lewd act with such person or any other person; or

4. Remain in a house of prostitution or other place where prostitution or any lewd act is practiced or allowed or where any person uses, sells, procures, furnishes, distributes or manufactures any controlled dangerous substance in the presence of the child.

B. The provisions of this section shall not apply unless the accused is at least three (3) years older than the victim and shall not apply if the persons are married.

C. Any person convicted of any violation of the provisions of this section shall be punishable by imprisonment in the custody of the Department of Corrections for a term not more than twenty (20) years, by a fine not exceeding Twenty-Five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment.

SECTION 4. 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.

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