

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3076 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Rebecca Hamilton _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3076

By: Hamilton

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to crimes and punishments; amending
9 21 O.S. 2001, Section 1029, which relates to engaging
10 in prostitution; providing an affirmative defense for
11 persons accused of engaging in prostitution; amending
12 21 O.S. 2001, Section 1081, as amended by Section 3,
13 Chapter 120, O.S.L. 2002 (21 O.S. Supp. 2009, Section
14 1081), which relates to pandering; clarifying and
15 expanding scope of certain prohibited acts; and
16 providing an effective date.

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

18 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1029, is
19 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) years of age shall be deemed child prostitution, as defined in
10 Section 1030 of this title, and shall be punishable as provided in
11 Section 1031 of this title.

12 C. In any prosecution for a violation under this section, it
13 shall be an affirmative defense if the accused was forced to commit
14 an act of prostitution by:

15 1. Being threatened or subjected to physical harm;

16 2. Being physically restrained or threatened to be physically
17 restrained;

18 3. Being subject to threats of abuse of law or legal process;

19 4. Being subject to destruction, concealment, removal or
20 confiscation of any passport or other immigration document, or any
21 other actual or purported government identification document; or

22 5. Being subject to intimidation in which the physical well-
23 being of the accused was perceived as threatened.

1 SECTION 2. AMENDATORY 21 O.S. 2001, Section 1081, as
2 amended by Section 3, Chapter 120, O.S.L. 2002 (21 O.S. Supp. 2009,
3 Section 1081), is amended to read as follows:

4 Section 1081. Any person who shall ~~procure~~:

5 1. Procure any other person for prostitution, ~~or who, by;~~

6 2. By promise, threats, violence or by any device or scheme
7 shall cause, induce, persuade or encourage another person to become
8 a prostitute; ~~or shall procure~~

9 3. Procure a place as inmate in a house of prostitution for
10 another person; ~~or who shall, by~~

11 4. By promise, threats, violence, or by any device or scheme
12 cause, induce, persuade or encourage an inmate of a house of
13 prostitution to remain therein as such inmate; ~~or who shall, by~~

14 5. By fraud, or artifice, or by duress of person or goods, or
15 by abuse of any position of confidence or authority procure any
16 other person to become a prostitute, or to enter any place in which
17 prostitution is encouraged or allowed within this state, or to come
18 into this state or leave this state for the purpose of prostitution,
19 ~~or who shall procure;~~

20 6. Procure any other person for prostitution by threats or
21 violence to the family member or loved one of the person that is to
22 become a prostitute;

23 7. Procure any other person, who has not previously practiced
24 prostitution to become a prostitute within this state, or to come

1 into this state or leave this state for the purpose of prostitution;
2 or ~~shall receive~~

3 8. Receive or give or agree to receive or give any money or
4 thing of value for procuring or attempting to procure any other
5 person to become an inmate of a house of prostitution within this
6 state, or to come into this state or leave this state for the
7 purpose of prostitution,
8 shall be guilty of pandering, and upon conviction for any offense
9 under this article shall be guilty of a felony ~~and shall be punished~~
10 punishable by imprisonment in the ~~State Penitentiary~~ custody of the
11 Department of Corrections for a period of not less than two (2)
12 years nor more than twenty (20) years and by fines as follows: a
13 fine of not less than One Thousand Dollars (\$1,000.00) and not more
14 than Three Thousand Dollars (\$3,000.00) upon the first conviction
15 for such offense, a fine of not less than Three Thousand Dollars
16 (\$3,000.00) and not more than Six Thousand Dollars (\$6,000.00) upon
17 the second conviction, and a fine of not less than Six Thousand
18 Dollars (\$6,000.00) and not more than Nine Thousand Dollars
19 (\$9,000.00) for the third or subsequent convictions for such offense

20 SECTION 3. This act shall become effective November 1, 2010.

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22 52-2-9699 GRS 02/17/10

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