

1 ENGROSSED HOUSE  
2 BILL NO. 3076

By: Hamilton and Tibbs of the  
House

3 and

4 Eason McIntyre of the  
5 Senate

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7  
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,  
Chapter 120, O.S.L. 2002 (21 O.S. Supp. 2009, Section  
1081), which relates to pandering; clarifying and  
expanding scope of certain prohibited acts; and  
providing an effective date.

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

16 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1029, is  
17 amended to read as follows:

18 Section 1029. A. It shall further be unlawful:

- 19 1. To engage in prostitution, lewdness, or assignation;
- 20 2. To solicit, induce, entice, or procure another to commit an  
21 act of lewdness, assignation, or prostitution, with himself or  
22 herself;
- 23 3. To reside in, enter, or remain in any house, place,  
24 building, or other structure, or to enter or remain in any vehicle,

1 trailer, or other conveyance with the intent of committing an act of  
2 prostitution, lewdness, or assignation; or

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

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

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

13 1. Being threatened or subjected to physical harm;

14 2. Being physically restrained or threatened to be physically  
15 restrained;

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

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

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

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

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

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

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

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

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

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

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

20 7. Procure any other person, who has not previously practiced  
21 prostitution to become a prostitute within this state, or to come  
22 into this state or leave this state for the purpose of prostitution;  
23 ~~or shall receive~~

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

19        SECTION 3. This act shall become effective November 1, 2010.  
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1 Passed the House of Representatives the 8th day of March, 2010.

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4 Presiding Officer of the House of  
Representatives

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6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2010.

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9 Presiding Officer of the Senate