

THE HOUSE OF REPRESENTATIVES
Wednesday, February 24, 2010

Committee Substitute for
House Bill No. 3076

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3076 - By: HAMILTON of the House and EASON MCINTYRE of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1029, which relates to engaging in prostitution; providing an affirmative defense for persons accused of engaging in prostitution; amending 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.

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

1 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1029, is amended to read

2 as follows:

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

4 1. To engage in prostitution, lewdness, or assignation;

5 2. To solicit, induce, entice, or procure another to commit an act of lewdness,
6 assignation, or prostitution, with himself or herself;

7 3. To reside in, enter, or remain in any house, place, building, or other structure, or
8 to enter or remain in any vehicle, trailer, or other conveyance with the intent of
9 committing an act of prostitution, lewdness, or assignation; or

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

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

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

9 1. Being threatened or subjected to physical harm;

10 2. Being physically restrained or threatened to be physically restrained;

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

12 4. Being subject to destruction, concealment, removal or confiscation of any
13 passport or other immigration document, or any other actual or purported government
14 identification document; or

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

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

20 Section 1081. Any person who shall procure:

21 1. Procure any other person for prostitution, or who, by:

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

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

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

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

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

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

17 8. Receive or give or agree to receive or give any money or thing of value for
18 procuring or attempting to procure any other person to become an inmate of a house of
19 prostitution within this state, or to come into this state or leave this state for the purpose
20 of prostitution,

21 shall be guilty of pandering, and upon conviction for any offense under this article shall
22 be guilty of a felony ~~and shall be punished~~ punishable by imprisonment in the State

1 ~~Penitentiary~~ custody of the Department of Corrections for a period of not less than two
2 (2) years nor more than twenty (20) years and by fines as follows: a fine of not less than
3 One Thousand Dollars (\$1,000.00) and not more than Three Thousand Dollars
4 (\$3,000.00) upon the first conviction for such offense, a fine of not less than Three
5 Thousand Dollars (\$3,000.00) and not more than Six Thousand Dollars (\$6,000.00) upon
6 the second conviction, and a fine of not less than Six Thousand Dollars (\$6,000.00) and
7 not more than Nine Thousand Dollars (\$9,000.00) for the third or subsequent convictions
8 for such offense

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

10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02-23-10 - DO PASS,
11 As Amended and Coauthored.