

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1146

By: Kern

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 1031, which relates to penalties for prostitution offenses; modifying certain penalty provision; expanding scope of certain crime; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, 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, or 1029 ~~or 1030~~ of this title shall, upon conviction, be guilty of a misdemeanor ~~and, upon conviction, shall be punished~~ punishable 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, or a fine of not more than Five Thousand Dollars (\$5,000.00) upon the second conviction for violation of any of such

1 provisions, ~~and~~ or by both such imprisonment and fine. Any person
2 convicted of a third or subsequent violation of any of such
3 provisions shall be guilty of a felony punishable by imprisonment in
4 the custody of the Department of Corrections for not more than two
5 (2) years, or a fine of not more than Seven Thousand Five Hundred
6 Dollars (\$7,500.00) ~~upon the third or subsequent convictions for~~
7 ~~violation of any of such provisions,~~ or by both such imprisonment
8 and fine. In addition, the court may require a term of community
9 service of not less than forty (40) nor more than eighty (80) hours.
10 The court in which any such conviction is had shall notify the
11 county superintendent of public health of such conviction.

12 B. Any person who engages in an act of prostitution with
13 knowledge that ~~they are~~ he or she is infected with the human
14 immunodeficiency virus or hepatitis A, B or C shall, upon
15 conviction, be guilty of a felony punishable by imprisonment in the
16 custody of the Department of Corrections for not more than five (5)
17 years.

18 C. Any person who engages in an act of child prostitution, as
19 defined in Section 1030 of this title, shall, upon conviction, be
20 guilty of a felony punishable by imprisonment in the custody of the
21 Department of Corrections for not more than ten (10) years and by
22 fines as follows: a fine of not more than Five Thousand Dollars
23 (\$5,000.00) upon the first conviction, a fine of not more than Ten
24 Thousand Dollars (\$10,000.00) upon the second conviction, and a fine

1 of not more than Fifteen Thousand Dollars (\$15,000.00) upon the
2 third or subsequent convictions.

3 D. Any person violating any of the provisions of Section 1028,
4 or 1029 ~~or 1030~~ of this title within one thousand (1,000) feet of a
5 school or church shall be guilty of a felony and, upon conviction,
6 shall be punished by imprisonment in the custody of the Department
7 of Corrections for not more than five (5) years or by fines as
8 follows: a fine of not more than Two Thousand Five Hundred Dollars
9 (\$2,500.00) upon the first conviction for violation of any of such
10 provisions, a fine of not more than Five Thousand Dollars
11 (\$5,000.00) upon the second conviction for violation of any of such
12 provisions, and a fine of not more than Seven Thousand Five Hundred
13 Dollars (\$7,500.00) upon the third or subsequent convictions for
14 violation of any of such provisions, or by both such imprisonment
15 and fine. In addition, the court may require a term of community
16 service of not less than forty (40) nor more than eighty (80) hours.
17 The court in which any such conviction is had shall notify the
18 county superintendent of public health of such conviction.

19 SECTION 2. This act shall become effective November 1, 2015.
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