

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 3212

By: Griffith

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 1031, which relates to engaging in or soliciting prostitution; clarifying penalties for certain unlawful acts; providing separate penalty for certain unlawful act; amending 21 O.S. 2011, Section 1081, which relates to penalties for pandering; updating language; increasing penalties for pandering; 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, D or E of this section, any person violating any of the provisions of Section 1028, paragraph 1, 3 or 4 of subsection A of Section 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

1 first conviction for violation of any of such provisions, a fine of
2 not more than Five Thousand Dollars (\$5,000.00) upon the second
3 conviction for violation of any of such provisions, and a fine of
4 not more than Seven Thousand Five Hundred Dollars (\$7,500.00) upon
5 the third or subsequent convictions for violation of any of such
6 provisions, or by both such imprisonment and fine. In addition, the
7 court may require a term of community service of not less than forty
8 (40) nor more than eighty (80) hours. The court in which any such
9 conviction is had shall notify the county superintendent of public
10 health of such conviction.

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

16 C. Any person who engages in an act of child prostitution, as
17 defined in Section 1030 of this title, shall, upon conviction, be
18 guilty of a felony punishable by imprisonment in the custody of the
19 Department of Corrections for not more than ten (10) years and by
20 fines as follows: a fine of not more than Five Thousand Dollars
21 (\$5,000.00) upon the first conviction, a fine of not more than Ten
22 Thousand Dollars (\$10,000.00) upon the second conviction, and a fine
23 of not more than Fifteen Thousand Dollars (\$15,000.00) upon the
24 third or subsequent convictions.

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

18 E. Any person violating paragraph 2 of subsection A of Section
19 1029 of this title shall, upon conviction, be guilty of a
20 misdemeanor punishable by imprisonment in the county jail for a term
21 of not less than thirty (30) days nor more than one (1) year or by a
22 fine of not less than Five Thousand Dollars (\$5,000.00) or by both
23 such fine and imprisonment.
24

1 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1081, is
2 amended to read as follows:

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

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

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

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

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

13 5. By fraud, or artifice, or by duress of person or goods, or
14 by abuse of any position of confidence or authority procure any
15 other person to become a prostitute, ~~or to enter;~~

16 6. Enter any place in which prostitution is encouraged or
17 allowed within this state, or to come into this state or leave this
18 state for the purpose of prostitution, ~~or who shall procure;~~

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

23 8. Receive or give or agree to receive or give any money or
24 thing of value for procuring or attempting to procure any other

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

20 SECTION 3. This act shall become effective November 1, 2018.

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