

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3025

By: **Pae** and Bush

7  
8                                   COMMITTEE SUBSTITUTE

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10                   An Act relating to crimes and punishments; amending  
11                   21 O.S. 2011, Section 1031, which relates to  
12                   penalties for prostitution-related offenses;  
13                   increasing penalty for certain prohibited acts;  
14                   updating certain statutory reference; and providing  
15                   an effective date.

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

17                   SECTION 1.           AMENDATORY           21 O.S. 2011, Section 1031, is  
18 amended to read as follows:

19                   Section 1031. A. Except as provided in subsection B or C of  
20 this section, any person violating any of the provisions of Section  
21 ~~1028, or 1029 or 1030~~ of this title shall, upon conviction, be  
22 punishable by imprisonment in the county jail for not less than  
23 thirty (30) days nor more than one (1) year, or by fines as follows:  
24 a fine of not more than Two Thousand Five Hundred Dollars

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

17 B. Any person who engages in an act of prostitution with  
18 knowledge that they are infected with the human immunodeficiency  
19 virus (HIV) shall be guilty of a felony punishable by imprisonment  
20 in the custody of the Department of Corrections for not more than  
21 five (5) years.

22 C. Any person who engages in an act of child prostitution, as  
23 defined in Section 1030 of this title, shall, upon conviction, be  
24 guilty of a felony punishable by imprisonment in the custody of the

1 Department of Corrections for not more than ten (10) years, and by  
2 fines as follows: a fine of not more than Five Thousand Dollars  
3 (\$5,000.00) upon the first conviction, a fine of not more than Ten  
4 Thousand Dollars (\$10,000.00) upon the second conviction, and a fine  
5 of not more than Fifteen Thousand Dollars (\$15,000.00) upon the  
6 third or subsequent convictions.

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

1 SECTION 2. This act shall become effective November 1, 2020.

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3 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/27/2020 -  
4 DO PASS, As Amended and Coauthored.  
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