

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1786 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Daniel Pae

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

FLOOR SUBSTITUTE
FOR

HOUSE BILL NO. 1786

By: Pae and Talley of the House

and

Weaver of the Senate

FLOOR SUBSTITUTE

An Act relating to crimes and punishments; amending
21 O.S. 2011, Section 1031, which relates to
penalties for prostitution-related offenses;
increasing penalty for certain prohibited acts;
updating certain statutory reference; providing
separate penalties for certain unlawful act; 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, 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

1 not more than Two Thousand Five Hundred Dollars (\$2,500.00) upon the
2 first conviction for violation of any of such provisions, and a fine
3 of not more than Five Thousand Dollars (\$5,000.00) upon the second
4 conviction for violation of any of such provisions, ~~and a fine of~~
5 ~~not more than Seven Thousand Five Hundred Dollars (\$7,500.00) upon~~
6 ~~the third or subsequent convictions for violation of any of such~~
7 ~~provisions,~~ or by both such imprisonment and fine. Upon the third
8 or subsequent convictions for violating any of the provisions of
9 Section 1028 of this title, the person shall be guilty of a felony
10 punishable by imprisonment in the custody of the Department of
11 Corrections for not more than five (5) years, or a fine of not more
12 than Ten Thousand Dollars (\$10,000.00), or by both such imprisonment
13 and fine. In addition, the court may require a term of community
14 service of not less than forty (40) nor more than eighty (80) hours.
15 The court in which any such conviction is had shall notify the
16 county superintendent of public health of 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, ~~1029 or 1030~~
9 of this title within one thousand (1,000) feet of a school or church
10 shall, upon conviction, be guilty of a felony ~~and, upon conviction,~~
11 ~~shall be punished~~ punishable by imprisonment in the custody of the
12 Department of Corrections for not more than five (5) years, or by
13 fines as follows: a fine of not more than Two Thousand Five Hundred
14 Dollars (\$2,500.00) upon the first conviction for violation of any
15 of such provisions, a fine of not more than Five Thousand Dollars
16 (\$5,000.00) upon the second conviction for violation of any of such
17 provisions, and a fine of not more than ~~Seven Thousand Five Hundred~~
18 ~~Dollars (\$7,500.00)~~ Ten Thousand Dollars (\$10,000.00) upon the third
19 or subsequent convictions for violation of any of such provisions,
20 or 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 E. 1. Any person violating any of the provisions of Section
2 1029 of this title shall, upon conviction, be guilty of a
3 misdemeanor punishable by imprisonment in the county jail for not
4 less than thirty (30) days nor more than one (1) year, or by fines
5 as follows: a fine of not more than Two Thousand Five Hundred
6 Dollars (\$2,500.00) upon the first conviction for violation of any
7 of such provisions, a fine of not more than Five Thousand Dollars
8 (\$5,000.00) upon the second conviction for violation of any of such
9 provisions, and a fine of not more than Seven Thousand Five Hundred
10 Dollars (\$7,500.00) upon the third or subsequent convictions for
11 violation of any of such provisions, or by both such imprisonment
12 and fine. In addition, the court may require a term of community
13 service of not less than forty (40) nor more than eighty (80) hours.
14 The court in which any such conviction is had shall notify the
15 county superintendent of public health of such conviction.

16 2. Any person violating any of the provisions of Section 1029
17 of this title within one thousand (1,000) feet of a school or church
18 shall, upon conviction, be guilty of a felony punishable by
19 imprisonment in the custody of the Department of Corrections for not
20 more than five (5) years or by fines as follows: a fine of not more
21 than Two Thousand Five Hundred Dollars (\$2,500.00) upon the first
22 conviction for violation of any of such provisions, a fine of not
23 more than Five Thousand Dollars (\$5,000.00) upon the second
24 conviction for violation of any of such provisions, and a fine of

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

8 SECTION 2. This act shall become effective November 1, 2021.

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10 58-1-7655 GRS 02/22/21
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