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STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 1786 By: Pae and **Talley** of the House

HOUSE BILL 1786 By: Pae and **Talley** of the House

and

Weaver of the Senate

AS INTRODUCED

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; 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:

1 a fine of not more than Two Thousand Five Hundred Dollars
2 (\$2,500.00) upon the first conviction for violation of any of such
3 provisions, and a fine of not more than Five Thousand Dollars
4 (\$5,000.00) upon the second conviction for violation of any of such
5 provisions, ~~and 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. Upon the third or subsequent convictions for violating
9 any of the provisions of Section 1028 or 1029 of this title, the
10 person shall be guilty of a felony punishable by imprisonment in the
11 custody of the Department of Corrections for not more than five (5)
12 years, or a fine of not more than Ten Thousand Dollars (\$10,000.00),
13 or 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 B. Any person who engages in an act of prostitution with
19 knowledge that they are infected with the human immunodeficiency
20 virus (HIV) shall be guilty of a felony punishable by imprisonment
21 in the custody of the Department of Corrections for not more than
22 five (5) years.

23 C. Any person who engages in an act of ~~child~~ prostitution of a
24 child, as defined in Section 1030 of this title, shall, upon

conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not more than ten (10) years and by fines as follows: a fine of not more than Five Thousand Dollars (\$5,000.00) upon the first conviction, a fine of not more than Ten Thousand Dollars (\$10,000.00) upon the second conviction, and a fine of not more than Fifteen Thousand Dollars (\$15,000.00) upon the third or subsequent convictions.

D. Any Except as provided in subsection C of this section, any person violating any of the provisions of Section 1028, or 1029 ~~or~~ 1030 of this title within one thousand (1,000) feet of a school or church shall, upon conviction, be guilty of a felony ~~and, upon conviction, shall be punished~~ punishable by imprisonment in the custody of the Department of Corrections for not more than five (5) years, 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, a fine of not more than Five Thousand Dollars (\$5,000.00) upon the second conviction for violation of any of such provisions, and a fine of not more than ~~Seven Thousand Five Hundred Dollars (\$7,500.00)~~ Ten Thousand Dollars (\$10,000.00) upon the third or subsequent convictions for violation of any of such provisions, or by both such imprisonment and fine.

In addition, the court may require a term of community service of not less than forty (40) nor more than eighty (80) hours. The court

1 in which any such conviction is had shall notify the county
2 superintendent of public health of such conviction.

3 SECTION 2. This act shall become effective November 1, 2021.
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5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated
6 02/10/2021 - DO PASS, As Coauthored.
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