

An Act

ENROLLED HOUSE
BILL NO. 3157

By: Roberts of the House

and

Weaver of the Senate

An Act relating to prostitution; amending 21 O.S. 2021, Sections 1028 and 1031, as amended by Section 2, Chapter 265, O.S.L. 2023 (21 O.S. Supp. 2023, Section 1031), which relate to prostitution offenses and related penalties; specifying penalties and fine amounts for certain offenses; providing limitations on prison terms; updating internal statutory references; and providing an effective date.

SUBJECT: Prostitution

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1028, is amended to read as follows:

Section 1028. A. It shall be unlawful in the State of Oklahoma:

~~(a)~~ 1. To keep, set up, maintain, or operate any house, place, building, other structure, or part thereof, or vehicle, trailer, or other conveyance with the intent of committing an act of prostitution, lewdness, or assignation;

~~(b)~~ 2. To knowingly own any house, place, building, other structure, or part thereof, or vehicle, trailer, or other conveyance used with the intent of committing an act of lewdness, assignation, or prostitution, or to let, lease, or rent, or contract to let, lease, or rent any such place, premises, or conveyance, or part thereof, to another with knowledge or reasonable cause to believe

that the intention of the lessee or rentee is to use such place, premises, or conveyance for prostitution, lewdness, or assignation;

~~(e)~~ 3. To offer, or to offer to secure, another with the intent of having such person commit an act of prostitution, or with the intent of having such person commit any other lewd or indecent act;

~~(d)~~ 4. To receive or to offer or agree to receive any person into any house, place, building, other structure, vehicle, trailer, or other conveyance with the intent of committing an act of prostitution, lewdness, or assignation, or to permit any person to remain there with such intent;

~~(e)~~ 5. To direct, take, or transport, or to offer or agree to take or transport, or aid or assist in transporting, any person to any house, place, building, other structure, vehicle, trailer, or other conveyance, or to any other person with knowledge or having reasonable cause to believe that the intent of such directing, taking or transporting is prostitution, lewdness or assignation;

~~(f)~~ 6. To knowingly accept, receive, levy, or appropriate any money or other thing of value without consideration from a prostitute or from the proceeds of any ~~woman~~ person engaged in prostitution; or

~~(g)~~ 7. To knowingly abet the crime of prostitution by allowing a house, place, building, or parking lot to be used or occupied by a person who is soliciting, inducing, enticing, or procuring another to commit an act of lewdness, assignation, or prostitution or who is engaging in prostitution, lewdness, or assignation on the premises of the house, place, building, or parking lot.

B. Any person who violates the provisions of this section shall, upon conviction, be guilty of a felony punishable by imprisonment in the Department of Corrections for a term of not more than five (5) years, and by a fine as follows:

1. Not more than Five Thousand Dollars (\$5,000.00) upon the first conviction;

2. Not more than Ten Thousand Dollars (\$10,000.00) upon the second conviction; and

3. Not more than Fifteen Thousand Dollars (\$15,000.00) upon the third or subsequent conviction.

C. Any person who violates the provisions of this section where the victim of the offense is under eighteen (18) years of age at the time of the offense shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not more than fifteen (15) years, and by a fine as follows:

1. Not more than Ten Thousand Dollars (\$10,000.00) upon the first conviction;

2. Not more than Twenty Thousand Dollars (\$20,000.00) upon the second conviction; and

3. Not more than Thirty Thousand Dollars (\$30,000.00) upon the third or subsequent conviction.

SECTION 2. AMENDATORY 21 O.S. 2021, Section 1031, as amended by Section 2, Chapter 265, O.S.L. 2023 (21 O.S. Supp. 2023, Section 1031), is amended to read as follows:

Section 1031. A. Except as provided in subsection B, C, D, or E of this section, any person violating any of the provisions of ~~Section 1028~~, paragraph 1, 2, 3, or 5 of subsection A of Section ~~1029~~, or Section 1030 of this title shall, upon conviction, be guilty of a misdemeanor and shall be punished 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 not more than Two Thousand Five Hundred Dollars (\$2,500.00) upon the first conviction for violation of any of such provisions, a fine not more than Five Thousand Dollars (\$5,000.00) upon the second conviction for violation of any of such provisions, and a fine not more than Seven Thousand Five Hundred Dollars (\$7,500.00) 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 not less than forty (40) nor more than eighty (80) hours. The court in which any such conviction is had shall notify the county superintendent of public health of such conviction.

B. Any person who engages in an act of prostitution with knowledge that he or she is infected with the human immunodeficiency virus shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not more than five (5) years.

C. Any person who engages in an act of child prostitution 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 not more than Five Thousand Dollars (\$5,000.00) upon the first conviction, a fine not more than Ten Thousand Dollars (\$10,000.00) upon the second conviction, and a fine not more than Fifteen Thousand Dollars (\$15,000.00) upon the third or subsequent convictions.

D. Any person violating any of the provisions of Section ~~1028~~, 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 shall be punished by imprisonment in the custody of the Department of Corrections for not more than five (5) years or by fines as follows: a fine not more than Two Thousand Five Hundred Dollars (\$2,500.00) upon the first conviction for violation of any of such provisions, a fine not more than Five Thousand Dollars (\$5,000.00) upon the second conviction for violation of any of such provisions, and a fine not more than Seven Thousand Five Hundred Dollars (\$7,500.00) 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 not less than forty (40) nor more than eighty (80) hours. The court in which any such conviction is had shall notify the county superintendent of public health of such conviction.

E. Any person violating paragraph 4 of subsection A of Section 1029 of this title shall, upon conviction, be guilty of a felony and shall be punished in accordance with the provisions of subsection B of Section ~~3~~ 1040.57 of this ~~act~~ title.

SECTION 3. This act shall become effective November 1, 2024.

Passed the House of Representatives the 30th day of April, 2024.

Presiding Officer of the House
of Representatives

Passed the Senate the 23rd day of April, 2024.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____