

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 743

By: Gollihare

AS INTRODUCED

An Act relating to prostitution; amending 21 O.S. 2021, Section 1031, as last amended by Section 2, Chapter 267, O.S.L. 2024 (21 O.S. Supp. 2024, Section 1031), which relates to punishment for violations; modifying penalty provisions for certain offense; authorizing certain plea agreement; modifying statutory language and references; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1031, as last amended by Section 2, Chapter 267, O.S.L. 2024 (21 O.S. Supp. 2024, 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~~ Any person violating any of the provisions of 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~~ 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 not more than Two Thousand Five Hundred Dollars (\$2,500.00) upon the first conviction for violation

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

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

15 C. Any person who engages in an act of child ~~prostitution~~ sex
16 trafficking as ~~defined~~ provided in Section ~~1030~~ 1029 of this title
17 shall, upon conviction, be guilty of a felony punishable by
18 imprisonment in the custody of the Department of Corrections for not
19 more than ten (10) years and by fines as follows: a fine not more
20 than Five Thousand Dollars (\$5,000.00) upon the first conviction, a
21 fine not more than Ten Thousand Dollars (\$10,000.00) upon the second
22 conviction, and a fine not more than Fifteen Thousand Dollars
23 (\$15,000.00) upon the third or subsequent convictions.
24

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

17 E. Any person violating paragraph 4 of subsection A of Section
18 1029 of this title shall, upon conviction, be guilty of a felony ~~and~~
19 ~~shall be punished in accordance with the provisions of subsection B~~
20 ~~of Section 1040.57 of this title~~ punishable as follows:

21 1. Imprisonment in the custody of the Department of Corrections
22 for a term not more than three (3) years and by fines as follows:

23 a. not more than One Thousand Dollars (\$1,000.00) upon
24 the first conviction,

1 b. not more than Two Thousand Five Hundred Dollars
2 (\$2,500.00) upon the second conviction, and

3 c. not more than Five Thousand Dollars (\$5,000.00) upon
4 the third or subsequent convictions; and

5 2. In lieu of a period of imprisonment, individuals charged
6 with a first-time offense pursuant to the provisions of this
7 subsection may enter into a plea agreement that includes commercial
8 sex buyer diversion programming or a combination of diversion
9 programming and imprisonment. Subsequent convictions of offenses
10 pursuant to this section shall include a period of imprisonment as
11 part of any plea agreement; provided, the individual has previously
12 entered into a commercial sex buyer diversion program, without
13 regard to whether the individual completed such program.

14 SECTION 2. This act shall become effective November 1, 2025.

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