

SENATE FLOOR VERSION
February 11, 2025
AS AMENDED

3 SENATE BILL NO. 743 By: Gollihare

[prostitution - punishment for violations - penalty provisions - plea agreement - effective date]

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

10 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1031, as
11 last amended by Section 2, Chapter 267, O.S.L. 2024 (21 O.S. Supp.
12 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 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.

1 | ~~for violation of any of such provisions~~, or by both such
2 | imprisonment and fine. In addition, the court may require a term of
3 | community service not less than forty (40) nor more than eighty (80)
4 | hours. The court in which any such conviction is had shall notify
5 | the county superintendent of public health of such conviction.

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

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

20 | D. Any person violating any of the provisions of Section 1029
21 | ~~or 1030~~ of this title within one thousand (1,000) feet of a school
22 | or church shall, upon conviction, be guilty of a felony ~~and shall be~~
23 | punished punishable by imprisonment in the custody of the Department
24 | of Corrections for not more than five (5) years or by fines as

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

12 E. Any person violating paragraph 4 of subsection A of Section
13 1029 of this title shall, upon conviction, be guilty of a felony ~~and~~
14 ~~shall be punished in accordance with the provisions of subsection B~~
15 ~~of Section 1040.57 of this title~~ punishable as follows:

- 16 1. Imprisonment in the custody of the Department of Corrections
17 for a term not more than three (3) years and by fines as follows:
- 18 a. not more than One Thousand Dollars (\$1,000.00) upon
19 the first conviction,
20 b. not more than Two Thousand Five Hundred Dollars
21 (\$2,500.00) upon the second conviction, and
22 c. not more than Five Thousand Dollars (\$5,000.00) upon
23 the third or subsequent convictions; and

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

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

11 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
12 February 11, 2025 - DO PASS AS AMENDED