

Session of 2025

**SENATE BILL No. 71**

By Committee on Judiciary

1-23

AN ACT concerning crimes, punishment and criminal procedure; relating to crimes against public morals; requiring certain offenders to complete an educational or treatment program regarding commercial sexual exploitation and requiring the attorney general to approve such programs in consultation with the office of judicial administration; removing provisions regarding city ordinances prohibiting buying sexual relations; increasing the penalties for buying sexual relations; removing provisions regarding counting prior convictions for purposes of enhancing penalties; amending K.S.A. 12-4106, 12-4120, 12-4416, 21-5426, 21-6421, 21-6422 and 22-2909 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

New Section 1. (a) On or before July 1, 2026, the attorney general, in consultation with the office of judicial administration, shall approve one or more educational or treatment programs regarding commercial sexual exploitation for use under K.S.A. 21-5426, 21-6421, 21-6422 and 22-2909 and as otherwise permitted by law.

(b) (1) In accordance with the provisions of the rules and regulations filing act, K.S.A. 77-415 et seq., and amendments thereto, the attorney general shall adopt, amend and revoke rules and regulations governing the educational or treatment programs described in subsection (a), including, but not limited to:

(A) Criteria for the evaluation, approval and monitoring of such programs;

(B) any form required to implement such programs;

(C) any requirements for staff who will be directly providing services to clients of such programs; and

(D) any report, record or other information that may be required to be kept and maintained by such programs.

(2) On or before January 1, 2026, the attorney general shall adopt rules and regulations required for the approval and operation of the educational or treatment programs described in subsection (a).

Sec. 2. K.S.A. 12-4106 is hereby amended to read as follows: 12-4106. (a) The municipal judge shall have the power to administer the oaths and enforce all orders, rules and judgments made by such municipal judge,

1 (f) It shall not be a defense to a charge of aggravated human  
2 trafficking, as defined in subsection (b)(4) or (5), that:

3 (1) -The victim consented or willingly participated in the forced labor,  
4 involuntary servitude or sexual gratification of the defendant or another; or

5 (2) -the offender had no knowledge of the age of the victim.

6 (g) A person who violates the provisions of this section may also be  
7 prosecuted for, convicted of, and punished for commercial sexual  
8 exploitation of a child, as defined by K.S.A. 21-6422, and amendments  
9 thereto, or for any form of homicide.

10 (h) The provisions of this section shall not apply to the use of the  
11 labor of any person incarcerated in a state or county correctional facility or  
12 city jail.

13 (i) As used in this section:

14 (1) "Child" means a person under 18 years of age; and

15 (2) "peonage" means a condition of involuntary servitude in which  
16 the victim is forced to work for another person by the use or threat of  
17 physical restraint or physical injury, or by the use or threat of coercion  
18 through law or the legal process.

19 Sec. 6. K.S.A. 21-6421 is hereby amended to read as follows: 21-  
20 6421. (a) Buying sexual relations is knowingly:

21 (1) Entering or remaining in a place where sexual relations are being  
22 sold or offered for sale with intent to engage in manual or other bodily  
23 contact stimulation of the genitals of any person with the intent to arouse  
24 or gratify the sexual desires of the offender or another, sexual intercourse,  
25 sodomy or any unlawful sexual act with a person selling sexual relations  
26 who is 18 years of age or older; or

27 (2) hiring a person selling sexual relations who is 18 years of age or  
28 older to engage in manual or other bodily contact stimulation of the  
29 genitals of any person with the intent to arouse or gratify the sexual desires  
30 of the offender or another, sexual intercourse, sodomy or any unlawful  
31 sexual act.

32 (b) (1) Buying sexual relations is a:

33 ~~(A) Class A person misdemeanor, except as provided in subsection~~  
34 ~~(b)(1)(B); and~~

35 ~~(B) severity level 9, person felony when committed by a person who~~  
36 ~~has, prior to the commission of the crime, been convicted of a violation of~~  
37 ~~this section, or any prior version of this section.~~

38 (2) In addition to any other sentence imposed, a person convicted  
39 under this section shall be fined not less than ~~\$1,200~~ \$2,000 nor more than  
40 \$5,000. One-half of all fines collected pursuant to this section shall be  
41 remitted to the human trafficking victim assistance fund created by K.S.A.  
42 75-758, and amendments thereto, and the remainder shall be remitted as  
43 otherwise provided by law.

1 (3) In addition to any other sentence imposed, for any conviction  
2 under this section:

3 (A) *Occurring prior to July 1, 2026, the court may shall order the*  
4 *person convicted to enter into and complete a suitable educational or*  
5 *treatment program regarding commercial sexual exploitation; and*

6 (B) *occurring on or after July 1, 2026, the court shall order the*  
7 *person convicted to enter into and complete an educational or treatment*  
8 *program approved by the attorney general pursuant to section 1, and*  
9 *amendments thereto, regarding commercial sexual exploitation.*

10 (c) (1) ~~For the purpose of determining whether a conviction is a first,~~  
11 ~~second or subsequent conviction in sentencing under this section:~~

12 (1) ~~Convictions for a violation of this section, or any prior version of~~  
13 ~~this section, or a violation of an ordinance of any city or resolution of any~~  
14 ~~county which prohibits the acts that this section prohibits, or entering into~~  
15 ~~a diversion agreement in lieu of further criminal proceedings on a~~  
16 ~~complaint alleging any such violations, shall be taken into account; and~~

17 (2) ~~A person may enter into a diversion agreement in lieu of further~~  
18 ~~criminal proceedings for a violation of this section or an ordinance which~~  
19 ~~prohibits the acts of this section only once during the person's lifetime.~~

20 (2) *A person shall not enter into a diversion agreement in lieu of*  
21 *further criminal proceedings for a violation of this section if such person*  
22 *has entered into a diversion agreement prior to July 1, 2025, for a*  
23 *violation of an ordinance that prohibits the acts prohibited by this section.*

that occurred prior to July 1, 2025

24 (d) (1) ~~Nothing contained in this section shall be construed as~~  
25 ~~preventing any city from enacting ordinances, or any county from adopting~~  
26 ~~resolutions, declaring acts prohibited or made unlawful by this act as~~  
27 ~~unlawful or prohibited in such city or county and prescribing penalties for~~  
28 ~~violation thereof.~~

29 (2) ~~The minimum penalty prescribed by any such ordinance or~~  
30 ~~resolution shall not be less than the minimum penalty prescribed by this~~  
31 ~~section for the same violation, and the maximum penalty in any such~~  
32 ~~ordinance or resolution shall not exceed the maximum penalty prescribed~~  
33 ~~for the same violation.~~

34 Sec. 7. K.S.A. 21-6422 is hereby amended to read as follows: 21-  
35 6422. (a) Commercial sexual exploitation of a child is knowingly:

36 (1) Hiring a person younger than 18 years of age by giving, or  
37 offering or agreeing to give, anything of value to any person, to engage in  
38 a manual or other bodily contact stimulation of the genitals of any person  
39 with the intent to arouse or gratify the sexual desires of the offender or  
40 another, sexual intercourse, sodomy or any unlawful sexual act;

41 (2) establishing, owning, maintaining or managing any property,  
42 whether real or personal, where sexual relations are being sold or offered  
43 for sale by a person younger than 18 years of age, or participating in the