

January 29, 2025

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 71 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 71 is respectfully submitted to your committee.

SB 71 would require that on or before July 1, 2026, the Attorney General, in consultation with the Office of Judicial Administration, approve one or more educational or treatment programs regarding commercial sexual exploitation. The Attorney General would be required to adopt, amend, and revoke rules and regulations governing educational or treatment programs, including certain criteria. The Attorney General would be required to adopt rules and regulations for the approval and operations of the educational or treatment programs on or before January 1, 2026. The bill would also specify that municipal courts would only need to report certain violations electronically to the Kansas Bureau of Investigation.

The bill would remove the requirement on municipal judges or clerks to remit fines imposed for a violation of a city ordinance prohibiting the sale of sexual relations to the State Treasurer to the credit of the Human Trafficking Victim Assistance Fund in the Office of the Attorney General. The bill would amend certain statutes regarding diversion agreements for a violation of a city ordinance prohibiting the sale of sexual relations to no longer include a fine equal to the imposed fine under criminal statute. The bill would also remove language allowing a defendant to enter into and complete a suitable educational or treatment program regarding commercial sexual exploitation. On or after July 1, 2026, the bill would allow the court to order a person convicted of commercial sexual exploitation to enter into and complete an educational or treatment program approved by the Attorney General. The bill would remove the current penalty of a class A person misdemeanor for buying sexual relations and would require the penalty to be

a severity level 9, person felony. The bill would increase the minimum fine for buying sexual relations from not less than \$1,200 to not less than \$2,000.

The bill would require the court to order a person convicted of buying sexual relations after July 1, 2026, into an educational or treatment program approved by the Attorney General. The bill would allow a diversion agreement only once during a person’s lifetime for the crime of buying sexual relations and would prohibit a diversion if the person received one before July 1, 2025, for a violation of an ordinance that prohibits the same act. The bill would also add language allowing the court to order a person to enter into and complete an educational or treatment program approved by the Attorney General in other statutes.

Estimated State Fiscal Effect			
	FY 2025	FY 2026	FY 2027
Expenditures			
State General Fund	--	\$161,144	\$116,319
Fee Fund(s)	--	--	--
Federal Fund	--	--	--
Total Expenditures	--	\$161,144	\$116,319
Revenues			
State General Fund	--	--	--
Fee Fund(s)	--	--	--
Federal Fund	--	--	--
Total Revenues	--	--	--
FTE Positions	--	1.00	1.00

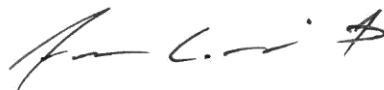
The Office of the Attorney General indicates enactment of the bill would increase expenditures by \$148,409 in FY 2026 and \$103,329 in FY 2027 from the State General Fund for 1.00 Program Coordinator position. Of this amount, \$80,388 would be for ongoing salaries and wages expenditures and \$18,021 would be for ongoing other operating expenditures. The FY 2026 amount also includes a one-time request for \$50,000 to start the process of reviewing potential vendors for this program and to prepare the rules and regulations required under the bill. The FY 2027 amount includes a 5.0 percent increase from the ongoing FY 2026 amount.

The Kansas Sentencing Commission estimates that enactment of SB 71 would result in an increase of three adult prison beds needed by the end of FY 2026. By the end of FY 2034, three additional beds would be needed. The current estimated available bed capacity is 9,738 for males and 932 for females. Based upon the Commission’s most recent ten-year projection contained in its *FY 2025 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 8,954 male and 921 female residents in FY 2025 and 9,220 male and 961 female residents in FY 2026. The Department of Corrections indicates enactment of the bill would increase expenditures by \$12,735 in FY 2026 and \$12,990 in FY 2027 from the State General

Fund to house the additional residents. In its estimate, the Department indicates it assumes the marginal cost to house one additional resident will be \$4,245 in FY 2026 and \$4,330 in FY 2027.

The Office of Judicial Administration indicates enactment of the bill would not have a significant fiscal effect on expenditures of the Judicial Branch. The Office notes that although the bill requires it to consult with the Attorney General on approved educational or treatment programs, any expenditures could be absorbed within existing resources. The Office states that enactment of the bill could result in the collection of additional fines in cases filed under the provisions of the bill, which would be deposited in the State General Fund and other funds. However, a precise fiscal effect cannot be estimated. Any fiscal effect associated with SB 71 is not reflected in *The FY 2026 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", with a stylized flourish at the end.

Adam C. Proffitt
Director of the Budget

cc: Trisha Morrow, Judiciary
Scott Schultz, Kansas Sentencing Commission
Jennifer King, Department of Corrections
Matt Bingesser, Office of the Attorney General