

SESSION OF 2025

SUPPLEMENTAL NOTE ON SENATE BILL NO. 71

As Recommended by Senate Committee on
Judiciary

Brief*

SB 71 would increase criminal penalties and amend laws concerning diversion agreements for buying sexual relations, require certain offenders to complete an educational or treatment program regarding commercial sexual exploitation, and require the Attorney General (AG) to approve such programs in consultation with the Office of Judicial Administration (OJA).

***Educational or Treatment Programs Regarding
Commercial Sexual Exploitation***

The bill would require, prior to July 1, 2026, the AG, in consultation with OJA, to approve one or more educational or treatment programs regarding commercial sexual exploitation.

The bill would require the AG to adopt rules and regulations governing the educational or treatment programs on or before January 1, 2026. The bill would require the rules and regulations to include, but not be limited to:

- Criteria for the evaluation, approval, and monitoring of such programs;
- Any form required to implement such programs;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

- Any requirements for staff who will be directly providing services to clients of such programs; and
- Any report, record, or other information that may be required to be kept and maintained by such programs.

The bill would require these educational or treatment programs to be completed by persons convicted after July 1, 2026 of human trafficking, commercial sexual exploitation of a child, or buying sexual relations, if ordered by a court. For convictions occurring prior to this date, a court could, but would not be required to, order a suitable educational or treatment program.

For convictions of buying sexual relations occurring prior to July 1, 2026, a court would be required to order a suitable educational or treatment program, while a person convicted after that date would be required to complete an AG-approved program. [**Note:** Current law provides that a court has discretion in ordering a person convicted of buying sexual relations to complete a suitable educational or treatment program.]

Increased Penalties for Buying Sexual Relations

Under current law, violation of buying sexual relations is a class A person misdemeanor on a first offense and a severity level 9, person felony on a second or subsequent offense. The bill would remove the crime's misdemeanor classification and instead make all violations of buying sexual relations a severity level 9 person felony and increase the minimum fine amount from \$1,200 to \$2,000.

The bill would also remove references to misdemeanor violations of city ordinances prohibiting buying sexual relations in the Code for Municipal Courts.

Diversion Agreements for Buying Sexual Relations

The bill would amend law concerning diversion agreements entered into in lieu of further criminal proceedings for a violation of buying sexual relations to prohibit a person from entering into a diversion agreement if such person has entered into a diversion agreement prior to July 1, 2025, for a violation of an ordinance that prohibits buying sexual relations.

Technical Amendments

The bill would make technical amendments to remove outdated statutory references and to ensure consistency in statutory phrasing.

Background

The bill was introduced by the Senate Committee on Judiciary at the request of Senator Dietrich.

Senate Committee on Judiciary

In the Senate Committee hearing, the Shawnee County District Attorney and representatives of the District 5710 Rotary Foundation; International Public Policy Institute; Kansas Sheriffs Association, Kansas Association of Chiefs of Police, and Kansas Peace Officers Association; Project 2 Restore; ReHope; Shawnee County District Attorney Office; Twilight Lions; and YWCA Northeast Kansas provided **proponent** testimony. Proponents stated the bill would decrease human trafficking by increasing the punishment for those buying sexual relations. The proponents generally stated that this increase in punishment would decrease demand and thereby decrease human trafficking.

Written-only proponent testimony was provided by Representative Barrett and representatives of the Kansas

Catholic Conference, Office of the Attorney General, ReHope, Veronica's Voice, and two private citizens.

No other testimony was provided.

Fiscal Information

According to the fiscal note provided by the Division of the Budget on the bill, 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 (SGF). The FY 2026 amount includes a one-time request for \$50,000 for the process of reviewing potential vendors, 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 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 SGF. The Department assumes in these estimates that the marginal cost to house one additional resident will be \$4,245 in FY 2026 and \$4,330 in FY 2027.

The OJA indicates enactment of the bill would not have a significant fiscal effect on expenditures of the Judicial Branch. OJA states that enactment of the bill could result in the collection of additional fines in cases filed under the provisions of the bill, but a precise fiscal effect cannot be estimated.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2026 Governor's Budget Report*.

Judiciary; crimes against public morals; treatment program; penalties; buying sexual relations