

SESSION OF 2025

SUPPLEMENTAL NOTE ON SENATE BILL NO. 71

As Amended by House Committee on Judiciary

Brief*

SB 71, as amended, 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;
- Any requirements for staff who will be directly providing services to clients of such programs; and

*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 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, the offense of buying sexual relations is classified as 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 reclassify all violations of buying sexual relations as a severity level 9, person felony and increase the minimum fine amount from \$1,200 to \$2,000.

The bill would also amend the Code for Municipal Courts by removing references to misdemeanor violations of city ordinances prohibiting persons from buying sexual relations.

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 for a violation of a municipal ordinance that prohibits buying sexual relations, when the violation occurred prior to July 1, 2025.

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, **proponent** testimony was provided by the Shawnee County District Attorney; a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs' Association; two representatives of Project 2 Restore; and representatives of the District 5710 Rotary Foundation, International Public Policy Institute, ReHope, Shawnee County District Attorney's Office, Twilight Lions, and YWCA Northeast Kansas. The 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; representatives of the Kansas Catholic Conference and the Office of the Attorney General (OAG); two representatives of ReHope; and two private citizens.

No other testimony was provided.

House Committee on Judiciary

In the House Committee hearing, **proponent** testimony was provided by the Shawnee County District Attorney; a representative of Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs' Association; two representatives of Project 2 Restore; and representatives of Altus Solutions, Inc., International Association of Forensic Nurses, ReHope, and Shawnee County District Attorney's Office. The proponents provided testimony that was substantially similar to proponent testimony provided in the Senate Committee hearing.

Written-only proponent testimony was provided by a private citizen and representatives of International Public Policy Institute, Kansas Catholic Conference, MoReb Forensic Nurse Consulting, OAG, and YWCA of Northeast Kansas.

Written-only neutral testimony was provided by a representative of BIDS.

No other testimony was provided.

The House Committee adopted an amendment to clarify language governing the application of diversion agreements for violations of ordinances that occur prior to the effective date of the bill.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the OAG 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 Kansas Sentencing Commission estimates enactment of the bill would result in the increase of three adult prison beds needed by the end of FY 2026 and that by the end of FY 2034, three additional beds would be needed. Enactment of the bill would increase the workload of the Commission by 12 in FY 2026 and by 13 in FY 2035.

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. The 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; Kansas Municipal Code; ordinance