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**House Judiciary Committee  
March 3, 2025**

**Senate Bill 71  
Testimony of the BIDS Legislative Committee  
Presented by Emily Brandt - Written Only  
Neutral**

Chairperson Humphries and Members of the Committee:

Increasing the penalties for a first time offense of buying sexual relations is unproven to deter sex trafficking. As more fully explained below, the BIDS Legislative Committee respectfully submits neutral, but concerned testimony regarding Section 6 in SB 71.

The language of Section 6 in SB 71 conflates sex work with human trafficking. Broadly defined, sex work is the exchange of sexual services for money. Trafficking refers to the specific crime of moving someone through force, fraud, or coercion into any labor section. While trafficking can be experienced by sex workers, not all people who are sex workers are trafficked.

The contention that increasing the penalty for a first time conviction of buying sexual relations will take away the market for sex traffickers is unfounded. To be guilty of buying sexual relations, there is no requirement that the sex worker be trafficked. The crime can occur during an exchange between consenting adults participating in a voluntary (but criminal) act. K.S.A. 21-6421.

There is no evidence to suggest that either (1) the penalty for a first time conviction being a misdemeanor does not act as a deterrent to subsequent buying of sexual relations or that (2) increasing the penalty will deter human traffickers. In fact, criminalizing sex work can create conditions of impunity and enhance sex workers' vulnerabilities to violence and exploitation, including trafficking. In Kansas, it is already a crime to traffic another human. K.S.A. 21-5426. Law enforcement agencies and prosecuting agencies already have the tools to combat human trafficking. For these reasons, we have concerns about buying sexual relations being treated like a trafficking offense.

Finally, the BIDS Legislative Committee would like to bring the Committee's attention to the increased responsibilities to our agency if SB 71 is enacted. As a severity level 9 person felony, under the national workload standards for public defense practice, any newly charged crime of buying sexual relations would require approx. 35 hours of defense attorney time to provide effective representation. An average public defender position costs BIDS approx. \$83.36 per hour, and private appointed attorneys bill BIDS at \$125 per hour. At 35 hours per case, every

severity level 9 charge costs BIDS approx. \$2,917.60 if handled by a public defender and approx. \$4,375 if handled by private assigned counsel.

If prosecutors across Kansas charge 100 new cases a year, then it could cost BIDS between \$291,760 to \$437,500 to defend these cases. BIDS asks the committee to ensure adequate resources are appropriated to BIDS to meet any increased obligations. The BIDS Legislative Committee approximates 100 newly charged cases based on testimony presented to the Senate Judiciary Committee that an investigator with the Shawnee County District Attorney's Office completed 84 investigations in 2024 and the KBI's 2021 Adult Arrests Report showing 22 arrests for prostitution and 66 arrests for promoting prostitution statewide.

Thank you for your time and consideration.

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