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MEMORANDUM

To: House Committee on Judiciary
From: Office of Revisor of Statutes
Date: March 3, 2025
Subject: Bill Brief for SB 71 (As Introduced)

Senate Bill 71 increases the criminal penalties for buying sexual relations, removes provisions regarding city ordinances prohibiting buying sexual relations, requires certain offenders to complete an educational or treatment program regarding commercial sexual exploitation, and requires the attorney general to approve such programs in consultation with the office of judicial administration.

Section 1 creates a new section of law that would require, prior to July 1, 2026, the attorney general in consultation with the office of judicial administration to approve one or more educational or treatment programs regarding commercial sexual exploitation. The attorney general would be required to adopt rules and regulations governing the educational or treatment programs including (1) criteria for the evaluation, approval and monitoring of the programs, (2) any form required to implement such programs, (3) any requirements for staff who will be directly providing services to clients of such programs, and (4) any report, record or other information that may be required to be kept and maintained by such programs. These rules and regulations would be required to be adopted by January 1, 2026.

Sections 2, 3, and 4 amend K.S.A. 12-4106, 12-4120, and 12-4416 to remove references to violations of city ordinances prohibiting the acts prohibited in the crime of buying sexual relations.

Section 5 amends K.S.A. 21-5426, the crime of human trafficking. Under current law, the court may order a person convicted under this section to enter into and complete a suitable educational or treatment program regarding commercial sexual exploitation of a child. For convictions under this section occurring on or after July 1, 2026, the bill provides that the court may order a person convicted to enter into and complete an educational or treatment program approved by the attorney general regarding commercial sexual exploitation.

Section 6 amends K.S.A. 21-6421, the crime of buying sexual relations. Under current law, violation of the crime is a class A person misdemeanor on a first offense and a severity level 9, person felony on a second or subsequent offense. The current fine is required to be not less than \$1,200 and not more than \$5,000 and the court may order the person convicted to enter into and complete a suitable educational or treatment program regarding commercial sexual exploitation. This bill would make all violations of the crime a severity level 9, person felony and increase the minimum fine amount to \$2,000. In addition, for convictions under this section occurring on or after July 1, 2026, the court shall order a person convicted to enter into and complete an educational or treatment program approved by the attorney general regarding commercial sexual exploitation.

In subsection (c), the bill maintains current law that a person may enter into a diversion agreement for a violation of this section only once during the person's lifetime and adds a provision that a person is not allowed to enter into a diversion agreement for a violation of this section if the person has entered into a diversion agreement prior to July 1, 2025, for a violation of an ordinance that prohibits the acts prohibited by this section. The bill strikes subsection (d), the current law that states nothing in the section is construed to prevent a city from enacting an ordinance or a county from adopting a resolution prohibiting the acts prohibited by this section.

Section 7 amends K.S.A. 21-6422, the crime of commercial sexual exploitation of a child. Under current law, the court may order a person convicted under this section to enter into and complete a suitable educational or treatment program regarding commercial sexual exploitation of a child. For convictions under this section occurring on or after July 1, 2026, the bill provides that the court may order a person convicted to enter into and complete an educational or treatment program approved by the attorney general regarding commercial sexual exploitation.

Section 8 amends K.S.A. 22-2909, the statute that sets requirements for diversion agreements. Under current law, if a diversion agreement is entered into in lieu of further criminal proceedings for a violation of buying sexual relations, the agreement may include a requirement that the defendant enter into and complete a suitable educational or treatment program regarding commercial sexual exploitation. The bill provides that such a diversion agreement for a violation occurring on or after July 1, 2026, shall require the defendant to complete an educational or treatment program approved by the attorney general regarding commercial sexual exploitation.

The bill would take effect from and after publication in the statute book, July 1, 2025.