

SENATE BILL No. 71

By Committee on Judiciary

1-23

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to crimes against public morals; requiring certain offenders to complete
3 an educational or treatment program regarding commercial sexual
4 exploitation and requiring the attorney general to approve such
5 programs in consultation with the office of judicial administration;
6 removing provisions regarding city ordinances prohibiting buying
7 sexual relations; increasing the penalties for buying sexual relations;
8 removing provisions regarding counting prior convictions for purposes
9 of enhancing penalties; amending K.S.A. 12-4106, 12-4120, 12-4416,
10 21-5426, 21-6421, 21-6422 and 22-2909 and repealing the existing
11 sections.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. (a) On or before July 1, 2026, the attorney general, in
15 consultation with the office of judicial administration, shall approve one or
16 more educational or treatment programs regarding commercial sexual
17 exploitation for use under K.S.A. 21-5426, 21-6421, 21-6422 and 22-2909
18 and as otherwise permitted by law.

19 (b) (1) In accordance with the provisions of the rules and regulations
20 filing act, K.S.A. 77-415 et seq., and amendments thereto, the attorney
21 general shall adopt, amend and revoke rules and regulations governing the
22 educational or treatment programs described in subsection (a), including,
23 but not limited to:

24 (A) Criteria for the evaluation, approval and monitoring of such
25 programs;

26 (B) any form required to implement such programs;

27 (C) any requirements for staff who will be directly providing services
28 to clients of such programs; and

29 (D) any report, record or other information that may be required to be
30 kept and maintained by such programs.

31 (2) On or before January 1, 2026, the attorney general shall adopt
32 rules and regulations required for the approval and operation of the
33 educational or treatment programs described in subsection (a).

34 Sec. 2. K.S.A. 12-4106 is hereby amended to read as follows: 12-
35 4106. (a) The municipal judge shall have the power to administer the oaths
36 and enforce all orders, rules and judgments made by such municipal judge,

1 and may fine or imprison for contempt in the same manner and to the same
2 extent as a judge of the district court.

3 (b) The municipal judge shall have the power to hear and determine
4 all cases properly brought before such municipal judge to: Grant
5 continuances; sentence those found guilty to a fine or confinement in jail,
6 or both; commit accused persons to jail in default of bond; determine
7 applications for parole; release on probation; grant time in which a fine
8 may be paid; correct a sentence; suspend imposition of a sentence; set
9 aside a judgment; permit time for post trial motions; and discharge accused
10 persons.

11 (c) The municipal judge shall maintain a docket in which every cause
12 commenced before such municipal judge shall be entered. Such docket
13 shall contain the names of the accused persons and complainant, the nature
14 or character of the offense, the date of trial, the names of all witnesses
15 sworn and examined, the finding of the court, the judgment and sentence,
16 the date of payment, the date of issuing commitment, if any, and every
17 other fact necessary to show the full proceedings in each case.

18 (d) The municipal judge shall promptly make such reports and
19 furnish the information requested by any departmental justice or the
20 judicial administrator, in the manner and form prescribed by the supreme
21 court.

22 (e) The municipal judge shall ensure that information concerning
23 dispositions of city ordinance violations that result in convictions
24 comparable to convictions for offenses under Kansas criminal statutes is
25 forwarded to the Kansas bureau of investigation central repository. This
26 information shall be transmitted, on a form or in a format approved by the
27 attorney general, within 30 days of final disposition.

28 (f) In all cases alleging a violation of a city ordinance prohibiting the
29 acts prohibited by K.S.A. 8-2,144, 8-1567, ~~21-6419~~ or 32-1131 ~~or K.S.A.~~
30 ~~21-6419 or 21-6421~~, and amendments thereto, the municipal court judge
31 shall ensure that the municipal court ~~reports the filing and disposition of~~
32 ~~such case to the Kansas bureau of investigation central repository, and, on~~
33 ~~and after July 1, 2014,~~ reports the filing and disposition of such case
34 electronically to the Kansas bureau of investigation central repository.

35 (g) In all cases in which a fine is imposed for a violation of a city
36 ordinance prohibiting the acts prohibited by K.S.A. 8-2,144 or 8-1567 ~~or~~
37 ~~K.S.A. 21-6421~~, and amendments thereto, the municipal court judge shall
38 ensure that the municipal court remits the appropriate amount of such fine
39 to the state treasurer as provided in K.S.A. 12-4120, and amendments
40 thereto.

41 Sec. 3. K.S.A. 12-4120 is hereby amended to read as follows: 12-
42 4120. (a) ~~On and after July 1, 2012,~~ The amount of \$250 from each fine
43 imposed for a violation of a city ordinance prohibiting the acts prohibited

1 by K.S.A. 8-1567 or 8-2,144, and amendments thereto, shall be remitted
2 by the judge or clerk of the municipal court to the state treasurer in
3 accordance with the provisions of K.S.A. 75-4215, and amendments
4 thereto. Upon receipt of each such remittance, the state treasurer shall
5 credit the entire amount to the community corrections supervision fund
6 established by K.S.A. 75-52,113, and amendments thereto.

7 ~~(b) One-half of each fine imposed for a violation of a city ordinance~~
8 ~~prohibiting the acts prohibited by K.S.A. 21-6421, and amendments~~
9 ~~thereto, shall be remitted by the judge or clerk of the municipal court to the~~
10 ~~state treasurer in accordance with the provisions of K.S.A. 75-4215, and~~
11 ~~amendments thereto, and the remainder shall be remitted as otherwise~~
12 ~~permitted by law. Upon receipt of each such remittance, the state treasurer~~
13 ~~shall credit the entire amount to the human trafficking victim assistance~~
14 ~~fund established by K.S.A. 75-758, and amendments thereto.~~

15 ~~(c) On and after July 1, 2017, The amount of \$20 from each fine~~
16 ~~imposed for a violation of a city ordinance requiring the use of safety belts~~
17 ~~for those individuals required by K.S.A. 8-2503(a)(1), and amendments~~
18 ~~thereto, shall be remitted by the judge or clerk of the municipal court to the~~
19 ~~state treasurer in accordance with the provisions of K.S.A. 75-4215, and~~
20 ~~amendments thereto. Upon receipt of each such remittance, the state~~
21 ~~treasurer shall credit the entire amount to the seat belt safety fund~~
22 ~~established by K.S.A. 8-1,181, and amendments thereto.~~

23 Sec. 4. K.S.A. 12-4416 is hereby amended to read as follows: 12-
24 4416. (a) A diversion agreement shall provide that if the defendant fulfills
25 the obligations of the program described therein, as determined by the city
26 attorney, the city attorney shall act to have the criminal charges against the
27 defendant dismissed with prejudice. The diversion agreement shall include
28 specifically the waiver of all rights under the law or the constitution of
29 Kansas or of the United States to counsel, a speedy arraignment, a speedy
30 trial, and the right to trial by jury. The diversion agreement may include,
31 but is not limited to, provisions concerning payment of restitution,
32 including court costs and diversion costs, residence in a specified facility,
33 maintenance of gainful employment, and participation in programs
34 offering medical, educational, vocational, social and psychological
35 services, corrective and preventive guidance and other rehabilitative
36 services. The diversion agreement shall state:

- 37 (1) The defendant's full name;
- 38 (2) the defendant's full name at the time the complaint was filed, if
39 different from the defendant's current name;
- 40 (3) the defendant's sex, race and date of birth;
- 41 (4) the crime with which the defendant is charged;
- 42 (5) the date the complaint was filed; and
- 43 (6) the municipal court with which the agreement is filed.

1 ~~(b) If a diversion agreement is entered into in lieu of further criminal~~
2 ~~proceedings on a complaint alleging a violation of a city ordinance~~
3 ~~prohibiting the acts prohibited by K.S.A. 21-6421, and amendments~~
4 ~~thereto, the agreement:~~

5 ~~(1) Shall include a requirement that the defendant pay a fine specified~~
6 ~~by the agreement in an amount equal to an amount authorized by K.S.A.~~
7 ~~21-6421, and amendments thereto; and~~

8 ~~(2) may include a requirement that the defendant enter into and~~
9 ~~complete a suitable educational or treatment program regarding~~
10 ~~commercial sexual exploitation.~~

11 ~~(c)~~ If a diversion agreement is entered into in lieu of further criminal
12 proceedings on a complaint alleging an alcohol related offense, the
13 diversion agreement shall include a stipulation, agreed to by the defendant
14 and the city attorney, of the facts upon which the charge is based and a
15 provision that if the defendant fails to fulfill the terms of the specific
16 diversion agreement and the criminal proceedings on the complaint are
17 resumed, the proceedings, including any proceedings on appeal, shall be
18 conducted on the record of the stipulation of facts relating to the
19 complaint. In addition, the agreement shall include a requirement that the
20 defendant:

21 (1) Pay a fine specified by the agreement in an amount equal to an
22 amount authorized by K.S.A. 8-1567, and amendments thereto, for a first
23 offense or, in lieu of payment of the fine, perform community service
24 specified by the agreement, consonant with K.S.A. 8-1567, and
25 amendments thereto; and

26 (2) participate in an alcohol and drug evaluation conducted by a
27 licensed provider pursuant to K.S.A. 8-1008, and amendments thereto, and
28 follow any recommendation made by the provider after such evaluation.

29 ~~(d)~~(c) If the person entering into a diversion agreement is a
30 nonresident, the city attorney shall transmit a copy of the diversion
31 agreement to the division. The division shall forward a copy of the
32 diversion agreement to the motor vehicle administrator of the person's
33 state of residence.

34 ~~(e)~~(d) If the city attorney elects to offer diversion in lieu of further
35 criminal proceedings on the complaint and the defendant agrees to all of
36 the terms of the proposed agreement, the diversion agreement shall be
37 filed with the municipal court and the municipal court shall stay further
38 proceedings on the complaint. If the defendant declines to accept
39 diversion, the municipal court shall resume the criminal proceedings on
40 the complaint.

41 ~~(f)~~(e) The city attorney shall forward to the division of vehicles of the
42 state department of revenue a copy of the diversion agreement at the time
43 such agreement is filed with the municipal court. The copy of the

1 agreement shall be made available upon request to any county, district or
2 city attorney or court.

3 Sec. 5. K.S.A. 21-5426 is hereby amended to read as follows: 21-
4 5426. (a) Human trafficking is:

5 (1) Except as provided in subsection (b)(4) and (5), the intentional
6 recruitment, harboring, transportation, provision or obtaining of a person
7 for labor or services, through the use of force, fraud or coercion for the
8 purpose of subjecting the person to involuntary servitude or forced labor;

9 (2) intentionally benefitting financially or by receiving anything of
10 value from participation in a venture that the person has reason to know
11 has engaged in acts set forth in subsection (a)(1);

12 (3) knowingly coercing employment by obtaining or maintaining
13 labor or services that are performed or provided by another person through
14 any of the following:

15 (A) Causing or threatening to cause physical injury to any person;

16 (B) physically restraining or threatening to physically restrain another
17 person;

18 (C) abusing or threatening to abuse the law or legal process;

19 (D) threatening to withhold food, lodging or clothing; or

20 (E) knowingly destroying, concealing, removing, confiscating or
21 possessing any actual or purported government identification document of
22 another person; or

23 (4) knowingly holding another person in a condition of peonage in
24 satisfaction of a debt owed the person who is holding such other person.

25 (b) Aggravated human trafficking is:

26 (1) Human trafficking, as defined in subsection (a), involving the
27 commission or attempted commission of kidnapping, as defined in K.S.A.
28 21-5408(a), and amendments thereto;

29 (2) human trafficking, as defined in subsection (a), committed in
30 whole or in part for the purpose of the sexual gratification of the defendant
31 or another;

32 (3) human trafficking, as defined in subsection (a), resulting in a
33 death;

34 (4) recruiting, harboring, transporting, providing or obtaining, by any
35 means, a child knowing that the child, with or without force, fraud, threat
36 or coercion, will be used to engage in:

37 (A) -Forced labor;

38 (B) -involuntary servitude; or

39 (C) -sexual gratification of the defendant or another involving the
40 exchange of anything of value; or

41 (5) hiring a child by giving, or offering or agreeing to give, anything
42 of value to any person, to engage in manual or other bodily contact
43 stimulation of the genitals of any person with the intent to arouse or gratify

1 the sexual desires of the offender or another, sexual intercourse, sodomy or
2 any unlawful sexual act, and the offender recklessly disregards the age of
3 the child.

4 (c) (1) Human trafficking is a severity level 2, person felony.

5 (2) Aggravated human trafficking is a severity level 1, person felony,
6 except as provided in subsection (c)(3).

7 (3) Aggravated human trafficking or attempt, conspiracy or criminal
8 solicitation to commit aggravated human trafficking is an off-grid person
9 felony, when the offender is 18 years of age or older and the victim is less
10 than 14 years of age.

11 (4) In addition to any other sentence imposed, a person convicted
12 under subsection (c)(1) shall be fined not less than \$2,500 nor more than
13 \$5,000. In addition to any other sentence imposed, a person convicted
14 under subsection (c)(2) or (c)(3) shall be fined not less than \$5,000. All
15 fines collected pursuant to this section shall be remitted to the human
16 trafficking victim assistance fund created by K.S.A. 75-758, and
17 amendments thereto.

18 (5) In addition to any other sentence imposed, for any conviction
19 under this section;

20 (A) *Occurring prior to July 1, 2026, the court may order the person*
21 *convicted to enter into and complete a suitable educational or treatment*
22 *program regarding commercial sexual exploitation of a child; and*

23 (B) *occurring on or after July 1, 2026, the court may order the*
24 *person convicted to enter into and complete an educational or treatment*
25 *program approved by the attorney general pursuant to section 1, and*
26 *amendments thereto, regarding commercial sexual exploitation.*

27 (d) If the offender is 18 years of age or older and the victim is less
28 than 14 years of age, the provisions of:

29 (1) K.S.A. 21-5301(c), and amendments thereto, shall not apply to a
30 violation of attempting to commit the crime of aggravated human
31 trafficking pursuant to this section;

32 (2) K.S.A. 21-5302(d), and amendments thereto, shall not apply to a
33 violation of conspiracy to commit the crime of aggravated human
34 trafficking pursuant to this section; and

35 (3) K.S.A. 21-5303(d), and amendments thereto, shall not apply to a
36 violation of criminal solicitation to commit the crime of aggravated human
37 trafficking pursuant to this section.

38 (e) It shall be an affirmative defense to any prosecution under
39 subsection (b)(4) or (5) that the defendant:

40 (1) -Was under 18 years of age at the time of the violation; and

41 (2) -committed the violation because such defendant, at the time of
42 the violation, was subjected to human trafficking or aggravated human
43 trafficking, as defined by this section.

1 (f) It shall not be a defense to a charge of aggravated human
2 trafficking, as defined in subsection (b)(4) or (5), that:

3 (1) -The victim consented or willingly participated in the forced labor,
4 involuntary servitude or sexual gratification of the defendant or another; or

5 (2) -the offender had no knowledge of the age of the victim.

6 (g) A person who violates the provisions of this section may also be
7 prosecuted for, convicted of, and punished for commercial sexual
8 exploitation of a child, as defined by K.S.A. 21-6422, and amendments
9 thereto, or for any form of homicide.

10 (h) The provisions of this section shall not apply to the use of the
11 labor of any person incarcerated in a state or county correctional facility or
12 city jail.

13 (i) As used in this section:

14 (1) "Child" means a person under 18 years of age; and

15 (2) "peonage" means a condition of involuntary servitude in which
16 the victim is forced to work for another person by the use or threat of
17 physical restraint or physical injury, or by the use or threat of coercion
18 through law or the legal process.

19 Sec. 6. K.S.A. 21-6421 is hereby amended to read as follows: 21-
20 6421. (a) Buying sexual relations is knowingly:

21 (1) Entering or remaining in a place where sexual relations are being
22 sold or offered for sale with intent to engage in manual or other bodily
23 contact stimulation of the genitals of any person with the intent to arouse
24 or gratify the sexual desires of the offender or another, sexual intercourse,
25 sodomy or any unlawful sexual act with a person selling sexual relations
26 who is 18 years of age or older; or

27 (2) hiring a person selling sexual relations who is 18 years of age or
28 older to engage in manual or other bodily contact stimulation of the
29 genitals of any person with the intent to arouse or gratify the sexual desires
30 of the offender or another, sexual intercourse, sodomy or any unlawful
31 sexual act.

32 (b) (1) Buying sexual relations is a:

33 ~~(A) Class A person misdemeanor, except as provided in subsection~~
34 ~~(b)(1)(B); and~~

35 ~~(B) severity level 9, person felony when committed by a person who~~
36 ~~has, prior to the commission of the crime, been convicted of a violation of~~
37 ~~this section, or any prior version of this section.~~

38 (2) In addition to any other sentence imposed, a person convicted
39 under this section shall be fined not less than ~~\$1,200~~ \$2,000 nor more than
40 \$5,000. One-half of all fines collected pursuant to this section shall be
41 remitted to the human trafficking victim assistance fund created by K.S.A.
42 75-758, and amendments thereto, and the remainder shall be remitted as
43 otherwise provided by law.

1 (3) In addition to any other sentence imposed, for any conviction
2 under this section;

3 (A) *Occurring prior to July 1, 2026, the court may shall order the*
4 *person convicted to enter into and complete a suitable educational or*
5 *treatment program regarding commercial sexual exploitation; and*

6 (B) *occurring on or after July 1, 2026, the court shall order the*
7 *person convicted to enter into and complete an educational or treatment*
8 *program approved by the attorney general pursuant to section 1, and*
9 *amendments thereto, regarding commercial sexual exploitation.*

10 (c) (1) ~~For the purpose of determining whether a conviction is a first,~~
11 ~~second or subsequent conviction in sentencing under this section:~~

12 (1) ~~Convictions for a violation of this section, or any prior version of~~
13 ~~this section, or a violation of an ordinance of any city or resolution of any~~
14 ~~county which prohibits the acts that this section prohibits, or entering into~~
15 ~~a diversion agreement in lieu of further criminal proceedings on a~~
16 ~~complaint alleging any such violations, shall be taken into account; and~~

17 (2) ~~A person may enter into a diversion agreement in lieu of further~~
18 ~~criminal proceedings for a violation of this section or an ordinance which~~
19 ~~prohibits the acts of this section only once during the person's lifetime.~~

20 (2) *A person shall not enter into a diversion agreement in lieu of*
21 *further criminal proceedings for a violation of this section if such person*
22 *has entered into a diversion agreement prior to July 1, 2025, for a*
23 *violation of an ordinance that prohibits the acts prohibited by this section.*

24 (d) (1) ~~Nothing contained in this section shall be construed as~~
25 ~~preventing any city from enacting ordinances, or any county from adopting~~
26 ~~resolutions, declaring acts prohibited or made unlawful by this act as~~
27 ~~unlawful or prohibited in such city or county and prescribing penalties for~~
28 ~~violation thereof.~~

29 (2) ~~The minimum penalty prescribed by any such ordinance or~~
30 ~~resolution shall not be less than the minimum penalty prescribed by this~~
31 ~~section for the same violation, and the maximum penalty in any such~~
32 ~~ordinance or resolution shall not exceed the maximum penalty prescribed~~
33 ~~for the same violation.~~

34 Sec. 7. K.S.A. 21-6422 is hereby amended to read as follows: 21-
35 6422. (a) Commercial sexual exploitation of a child is knowingly:

36 (1) Hiring a person younger than 18 years of age by giving, or
37 offering or agreeing to give, anything of value to any person, to engage in
38 a manual or other bodily contact stimulation of the genitals of any person
39 with the intent to arouse or gratify the sexual desires of the offender or
40 another, sexual intercourse, sodomy or any unlawful sexual act;

41 (2) establishing, owning, maintaining or managing any property,
42 whether real or personal, where sexual relations are being sold or offered
43 for sale by a person younger than 18 years of age, or participating in the

1 establishment, ownership, maintenance or management thereof; or

2 (3) permitting any property, whether real or personal, partially or
3 wholly owned or controlled by the defendant to be used as a place where
4 sexual relations are being sold or offered for sale by a person who is
5 younger than 18 years of age.

6 (b) (1) Commercial sexual exploitation of a child is a:

7 (A) Severity level 4, person felony, except as provided in subsections
8 (b)(1)(B) and (b)(2); and

9 (B) severity level 2, person felony when committed by a person who
10 has, prior to the commission of the crime, been convicted of a violation of
11 this section, except as provided in subsection (b)(2).

12 (2) Commercial sexual exploitation of a child or attempt, conspiracy
13 or criminal solicitation to commit commercial sexual exploitation of a
14 child is an off-grid person felony when the offender is 18 years of age or
15 older and the victim is less than 14 years of age.

16 (3) In addition to any other sentence imposed, a person convicted
17 under subsection (b)(1)(A) shall be fined not less than \$2,500 nor more
18 than \$5,000. In addition to any other sentence imposed, a person convicted
19 under subsection (b)(1)(B) or (b)(2) shall be fined not less than \$5,000. All
20 fines collected pursuant to this section shall be remitted to the human
21 trafficking victim assistance fund created by K.S.A. 75-758, and
22 amendments thereto.

23 (4) In addition to any other sentence imposed, for any conviction
24 under this section:

25 (A) *Occurring prior to July 1, 2026*, the court may order the person
26 convicted to enter into and complete a suitable educational or treatment
27 program regarding commercial sexual exploitation ~~of a child~~; and

28 (B) *occurring on or after July 1, 2026*, the court may order the
29 person convicted to enter into and complete an educational or treatment
30 program approved by the attorney general pursuant to section 1, and
31 amendments thereto, regarding commercial sexual exploitation.

32 (c) If the offender is 18 years of age or older and the victim is less
33 than 14 years of age, the provisions of:

34 (1) K.S.A. 21-5301(c), and amendments thereto, shall not apply to a
35 violation of attempting to commit the crime of commercial sexual
36 exploitation of a child pursuant to this section;

37 (2) K.S.A. 21-5302(d), and amendments thereto, shall not apply to a
38 violation of conspiracy to commit the crime of commercial sexual
39 exploitation of a child pursuant to this section; and

40 (3) K.S.A. 21-5303(d), and amendments thereto, shall not apply to a
41 violation of criminal solicitation to commit the crime of commercial
42 sexual exploitation of a child pursuant to this section.

43 Sec. 8. K.S.A. 22-2909 is hereby amended to read as follows: 22-

1 2909. (a) (1) A diversion agreement shall provide that if the defendant
2 fulfills the obligations of the program described therein, as determined by
3 the attorney general or county or district attorney, such attorney shall act to
4 have the criminal charges against the defendant dismissed with prejudice.
5 The diversion agreement shall include specifically the waiver of all rights
6 under the law or the constitution of Kansas or of the United States to a
7 speedy arraignment, preliminary examinations and hearings, and a speedy
8 trial, and in the case of diversion under subsection (c) waiver of the rights
9 to counsel and trial by jury. The diversion agreement may include, but is
10 not limited to, provisions concerning:

11 (A) Payment of restitution, including court costs and diversion costs;
12 (B) residence in a specified facility;
13 (C) maintenance of gainful employment;
14 (D) participation in programs offering medical, educational,
15 vocational, social and psychological services, corrective and preventive
16 guidance and other rehabilitative services; and
17 (E) supervision by the county or district attorney, or by court services
18 or community correctional services pursuant to a memorandum of
19 understanding entered into by the county or district attorney pursuant to
20 K.S.A. 22-2907, and amendments thereto, including the diversion
21 supervision fee and urinalysis costs described in K.S.A. 22-2907, and
22 amendments thereto, when applicable.

23 (2) If a county creates a local fund under the property crime
24 restitution and compensation act, a county or district attorney may require
25 in all diversion agreements as a condition of diversion the payment of a
26 diversion fee in an amount not to exceed \$100. Such fees shall be
27 deposited into the local fund and disbursed pursuant to recommendations
28 of the local board under the property crime restitution and victims
29 compensation act.

30 (3) If the attorney general enters into a diversion agreement:

31 (A) Any diversion costs or fees collected pursuant to such agreement
32 shall be deposited in the fraud and abuse criminal prosecution fund
33 established by K.S.A. 75-765, and amendments thereto; and

34 (B) the attorney general may enter into agreements with the
35 appropriate county or district attorney or other appropriate parties
36 regarding the supervision of conditions of such diversion agreement.

37 (b) The diversion agreement shall state:

38 (1) The defendant's full name;

39 (2) the defendant's full name at the time the complaint was filed, if
40 different from the defendant's current name;

41 (3) the defendant's sex, race and date of birth;

42 (4) the crime with which the defendant is charged;

43 (5) the date the complaint was filed; and

1 (6) the district court with which the agreement is filed.

2 (c) If a diversion agreement is entered into in lieu of further criminal
3 proceedings on a complaint alleging a violation of K.S.A. 8-1567, and
4 amendments thereto, the diversion agreement shall include a stipulation,
5 agreed to by the defendant, the defendant's attorney if the defendant is
6 represented by an attorney and the attorney general or county or district
7 attorney, of the facts upon which the charge is based and a provision that if
8 the defendant fails to fulfill the terms of the specific diversion agreement
9 and the criminal proceedings on the complaint are resumed, the
10 proceedings, including any proceedings on appeal, shall be conducted on
11 the record of the stipulation of facts relating to the complaint. In addition,
12 the agreement shall include a requirement that the defendant:

13 (1) Pay a fine specified by the agreement in an amount equal to an
14 amount authorized by K.S.A. 8-1567, and amendments thereto, for a first
15 offense or, in lieu of payment of the fine, perform community service
16 specified by the agreement, in accordance with K.S.A. 8-1567, and
17 amendments thereto; and

18 (2) participate in an alcohol and drug evaluation conducted by a
19 licensed provider pursuant to K.S.A. 8-1008, and amendments thereto, and
20 follow any recommendation made by the provider after such evaluation.

21 (d) If a diversion agreement is entered into in lieu of further criminal
22 proceedings on a complaint alleging a domestic violence offense, as
23 defined in K.S.A. 21-5111, and amendments thereto, the diversion
24 agreement shall include a requirement that the defendant undergo a
25 domestic violence offender assessment and follow all recommendations
26 unless otherwise agreed to with the prosecutor in the diversion agreement.
27 The defendant shall be required to pay for such assessment and, unless
28 otherwise agreed to with the prosecutor in the diversion agreement, for
29 completion of all recommendations.

30 (e) If a diversion agreement is entered into in lieu of further criminal
31 proceedings on a complaint alleging a violation other than K.S.A. 8-1567,
32 and amendments thereto, the diversion agreement may include a
33 stipulation, agreed to by the defendant, the defendant's attorney if the
34 defendant is represented by an attorney and the attorney general or county
35 or district attorney, of the facts upon which the charge is based and a
36 provision that if the defendant fails to fulfill the terms of the specific
37 diversion agreement and the criminal proceedings on the complaint are
38 resumed, the proceedings, including any proceedings on appeal, shall be
39 conducted on the record of the stipulation of facts relating to the
40 complaint.

41 (f) If the person entering into a diversion agreement is a nonresident,
42 the attorney general or county or district attorney shall transmit a copy of
43 the diversion agreement to the division. The division shall forward a copy

1 of the diversion agreement to the motor vehicle administrator of the
2 person's state of residence.

3 (g) If the attorney general or county or district attorney elects to offer
4 diversion in lieu of further criminal proceedings on the complaint and the
5 defendant agrees to all of the terms of the proposed agreement, the
6 diversion agreement shall be filed with the district court and the district
7 court shall stay further proceedings on the complaint. If the defendant
8 declines to accept diversion, the district court shall resume the criminal
9 proceedings on the complaint.

10 (h) Except as provided in subsection (i), if a diversion agreement is
11 entered into in lieu of further criminal proceedings alleging commission of
12 a misdemeanor by the defendant, while under 21 years of age, under
13 K.S.A. 21-5701 through 21-5717, and amendments thereto, or K.S.A. 41-
14 719, 41-727, 41-804, 41-2719 or 41-2720, and amendments thereto, the
15 agreement shall require the defendant to participate in an alcohol and drug
16 evaluation conducted by a licensed provider pursuant to K.S.A. 8-1008,
17 and amendments thereto, and follow any recommendation made by the
18 provider after such evaluation.

19 (i) If the defendant is 18 or more years of age but less than 21 years
20 of age and allegedly committed a violation of K.S.A. 41-727, and
21 amendments thereto, involving cereal malt beverage, the provisions of
22 subsection (h) are permissive and not mandatory.

23 (j) If a diversion agreement is entered into in lieu of further criminal
24 proceedings on a complaint alleging a violation of K.S.A. 21-6421, and
25 amendments thereto, the agreement *shall include*:

26 (1) ~~Shall include~~—A requirement that the defendant pay a fine
27 specified by the agreement in an amount equal to an amount authorized by
28 K.S.A. 21-6421, and amendments thereto; and

29 (2) (A) ~~may include~~ *for agreements entered into prior to July 1, 2026,*
30 a requirement that the defendant enter into and complete a suitable
31 educational or treatment program regarding commercial sexual
32 exploitation; *and*

33 (B) *for agreements entered into on or after July 1, 2026, a*
34 *requirement that the defendant enter into and complete an educational or*
35 *treatment program approved by the attorney general pursuant to section 1,*
36 *and amendments thereto, regarding commercial sexual exploitation.*

37 (k) Except diversion agreements reported under subsection (l), the
38 attorney general or county or district attorney shall forward to the Kansas
39 bureau of investigation a copy of the diversion agreement at the time such
40 agreement is filed with the district court. The copy of the agreement shall
41 be made available upon request to the attorney general or any county,
42 district or city attorney or court.

43 (l) At the time of filing the diversion agreement with the district

1 court, the attorney general or county or district attorney shall forward to
2 the division of vehicles of the state department of revenue a copy of any
3 diversion agreement entered into in lieu of further criminal proceedings on
4 a complaint alleging a violation of K.S.A. 8-1567, and amendments
5 thereto. The copy of the agreement shall be made available upon request to
6 the attorney general or any county, district or city attorney or court.

7 Sec. 9. K.S.A. 12-4106, 12-4120, 12-4416, 21-5426, 21-6421, 21-
8 6422 and 22-2909 are hereby repealed.

9 Sec. 10. This act shall take effect and be in force from and after its
10 publication in the statute book.