

HOUSE BILL No. 2274

By Committee on Corrections and Juvenile Justice

2-9

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to crimes against public morals; increasing the penalties for buying
3 sexual relations; removing provisions relating to counting prior
4 convictions for purposes of enhancing penalties; amending K.S.A.
5 2020 Supp. 21-6421 and repealing the existing section.
6

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

8 Section 1. K.S.A. 2020 Supp. 21-6421 is hereby amended to read as
9 follows: 21-6421. (a) Buying sexual relations is knowingly:

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

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

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

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

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

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

33 (3) In addition to any other sentence imposed, for any conviction
34 under this section, the court may order the person convicted to enter into
35 and complete a suitable educational or treatment program regarding
36 commercial sexual exploitation.

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

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

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

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

16 (2) ~~The minimum penalty prescribed by any such ordinance or~~
17 ~~resolution shall not be less than the minimum penalty prescribed by this~~
18 ~~section for the same violation, and the maximum penalty in any such~~
19 ~~ordinance or resolution shall not exceed the maximum penalty prescribed~~
20 ~~for the same violation.~~

21 Sec. 2. K.S.A. 2020 Supp. 21-6421 is hereby repealed.

22 Sec. 3. This act shall take effect and be in force from and after its
23 publication in the statute book.