



KANSAS

Legal System	Constitution	Bill of Rights	Form of Government
Common Law Statutory Law	Written	Yes	Republic

A. Criminal Statutes

1. Human Trafficking and Related Offenses

a. Kan. Stat. Ann. § 21-5426 (2017) – Human Trafficking; Aggravated Human Trafficking

i. Summary

Kansas separately defines “human trafficking” and “aggravated human trafficking.”

“Human trafficking” is defined as:

- (1) Except as provided in subsection (b)(4) [defendant under 18] and (5) [defendant subjected to human trafficking], the intentional recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjecting the person to involuntary servitude or forced labor;
- (2) intentionally benefitting financially or by receiving anything of value from participation in a venture that the person has reason to know has engaged in acts set forth in subsection (a)(1);
- (3) knowingly coercing employment by obtaining or maintaining labor or services that are performed or provided by another person through any of the following:
 - (A) Causing or threatening to cause physical injury to any person;
 - (B) physically restraining or threatening to physically restrain another person;
 - (C) abusing or threatening to abuse the law or legal process;
 - (D) threatening to withhold food, lodging or clothing; or
 - (E) knowingly destroying, concealing, removing, confiscating or possessing any actual or purported government identification document of another person; or
- (4) knowingly holding another person in a condition of peonage in satisfaction of a debt owed the person who is holding such other person.

Kan. Stat. Ann. § 21-5426(a).

“Aggravated human trafficking” is defined as:

- (1) Human trafficking, as defined in subsection (a), involving the commission or attempted commission of kidnapping as defined in [Kan. Stat. Ann. §] 21-5408(a), and amendments thereto;

- (2) human trafficking, as defined in subsection (a), committed in whole or in part for the purpose of the sexual gratification of the defendant or another;
- (3) human trafficking, as defined in subsection (a), resulting in a death;
- (4) recruiting, harboring, transporting, providing or obtaining, by any means, a child knowing that the child, with or without force, fraud, threat or coercion, will be used to engage in:
 - (A) Forced labor;
 - (B) involuntary servitude; or
 - (C) sexual gratification of the defendant or another involving the exchange of anything of value; or
- (5) hiring a child by giving, or offering or agreeing to give, anything of value to any person, to engage in manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another, sexual intercourse, sodomy or any unlawful sexual act, and the offender recklessly disregards the age of the child.

Kan. Stat. Ann. § 21-5426(b).

Kansas defines “peonage” as “a condition of involuntary servitude in which the victim is forced to work for another person by the use or threat of physical restraint or physical injury, or by the use or threat of coercion through law or the legal process.” Kan. Stat. Ann. § 21-5426(i)(2).

An affirmative defense to any prosecution exists for aggravated human trafficking under Kan. Stat. Ann. § 21-5426(b)(4) or Kan. Stat. Ann. § 21-5426(b)(5) if the defendant: “(1) Was under 18 years of age at the time of the violation; and (2) committed the violation because such defendant, at the time of the violation, was subjected to human trafficking or aggravated human trafficking, as defined by this section.” Kan. Stat. Ann. § 21-5426(e).

A defense does not exist for aggravated human trafficking under Kan. Stat. Ann. § 21-5426(b)(4) or Kan. Stat. Ann. § 21-5426(b)(5) that: “(1) The victim consented or willingly participated in the forced labor, involuntary servitude or sexual gratification of the defendant or another; or (2) the offender had no knowledge of the age of the victim.” Kan. Stat. Ann. § 21-5426(f).

A person who commits human trafficking or aggravated human trafficking may also be prosecuted for, convicted of, and punished for commercial sexual exploitation of a child or for any form of homicide. Kan. Stat. Ann. § 21-5426(g).

ii. Sentencing

“Human trafficking is a severity level 2, person felony.” Kan. Stat. Ann. § 21-5426(c)(1). The sentencing grid is found in Kan. Stat. Ann. § 21-6804. “In addition to any other sentence imposed, a person convicted under subsection (c)(1) shall be fined not less than [USD] 2,500 nor more than [USD] 5,000.” Kan. Stat. Ann. § 21-5426(c)(4).

“Aggravated human trafficking is generally a severity level 1, person felony, except as provided in subsection (c)(3).” Kan. Stat. Ann. § 21-5426(c)(2). Under subsection (c)(3), when the offender is 18 years of age or older and the victim is less than 14 years of age, aggravated human trafficking or attempt, conspiracy, or criminal solicitation to commit aggravated human trafficking is an off-grid person felony. Kan. Stat. Ann. § 21-5426(c)(3). In addition to any other sentence or fine imposed, a person convicted of aggravated human trafficking shall be fined an additional amount not less than USD 5,000. Kan. Stat. Ann. § 21-5426(c)(4).

“All fines collected pursuant to this section shall be remitted to the human trafficking victim assistance fund created by [Kan. Stat. Ann. §] 75-758, and amendments thereto.” Kan. Stat. Ann. § 21-5426(c)(2)–(4).

If the offender is 18 years of age or older and the victim is less than 14 years of age, then certain provisions do not apply at sentencing. Kan. Stat. Ann. § 21-5426(d). Under that section:

- (1) Kan. Stat. Ann. § 21-5301(c), which classifies attempt of an off-grid felony as a non-drug severity level 1 and provides a severity level for attempt crimes two levels below the level for the underlying or completed crime, does not apply to a violation of attempting to commit the crime of aggravated human trafficking.
- (2) Kan. Stat. Ann. § 21-5302(d), which classifies conspiracy of an off-grid felony as a non-drug severity level 2 and provides a severity level two levels below the level for the underlying or completed crime, does not apply to a violation of conspiracy to commit the crime of aggravated human trafficking.
- (3) Kan. Stat. Ann. § 21-5303(d), which generally classifies solicitation of an off-grid felony as a non-drug severity level 3 and provides a severity level three levels below the level for the underlying or completed crime, does not apply to a violation of criminal solicitation to commit the crime of aggravated human trafficking.

Id. For both human trafficking and aggravated human trafficking convictions, “[i]n addition to any other sentence imposed, ... the court may order the person convicted to complete a suitable educational or treatment program regarding commercial sexual exploitation of a child.” Kan. Stat. Ann. § 21-5426(c)(5).

The court shall order a person convicted of human trafficking, aggravated human trafficking, ... or commercial sexual exploitation of a child ... to pay restitution to the victim of the offense for:

- (i) Expenses incurred or reasonably certain to be incurred by the victim as a result of the offense, including reasonable attorney fees and costs; and
- (ii) an amount equal to three times the greatest of the following, with no reduction for expenses the defendant incurred to maintain the victim:
 - (a) The gross income to the defendant for, or the value to the defendant of, the victim’s labor or services or sexual activity;
 - (b) the amount the defendant contracted to pay the victim; or
 - (c) the value of the victim’s labor or services or sexual activity, calculated under the minimum wage and overtime provisions of the federal fair labor standards act, 29 U.S.C. § 201 *et seq.*, or under [Kan. Stat. Ann. §] 44-1203, and amendments thereto, whichever is higher, even if the provisions do not apply to the victim’s labor or services or sexual activity.

Kan. Stat. Ann. § 22-3424(d)(2)(A).

“The court shall order restitution under subsection (d)(2) even if the victim is unavailable to accept payment of restitution.” Kan. Stat. Ann. § 22-3424(d)(2)(B). “If the victim does not claim restitution ordered under subsection (d)(2) for five years after entry of the order, the restitution must be paid to the human trafficking victim assistance fund created by [Kan. Stat. Ann. §] 75-758, and amendments thereto, to help victims.” Kan. Stat. Ann. § 22-3424(d)(2)(C).

iii. Statute of Limitations

Subject to certain conditions and exceptions, a prosecution for any crime shall generally be commenced within five years after it is committed. Kan. Stat. Ann. § 21-5107(d).

The period within which a prosecution shall be commenced shall not include any period in which:

- (1) The accused is absent from the state;

- (2) the accused is concealed within the state so that process cannot be served upon the accused;
- (3) the fact of the crime is concealed;
- (4) a prosecution is pending against the defendant for the same conduct, even if the indictment or information which commences the prosecution is quashed or the proceedings thereon are set aside or are reversed on appeal;
- (5) an administrative agency is restrained by court order from investigating or otherwise proceeding on a matter before it .; or
- (6) whether the fact of the crime is concealed by the active act or conduct of the accused, there is substantially competent evidence to believe two or more of the [enumerated] factors [in § 21-5107(e)(6)] are present

Kan. Stat. Ann. § 21-5107(e).

When the victim is 18 years of age or older, a prosecution for a sexually violent crime “shall be commenced within 10 years or one year from the date on which the identity of the suspect is conclusively established by DNA testing, whichever is later” Kan. Stat. Ann. § 21-5107(c)(1). When the victim is under 18 years old, a prosecution “shall be commenced within 10 years of the date the victim turns 18 years of age or one year from the date on which the identity of the suspect is conclusively established by DNA testing, whichever is later.” Kan. Stat. Ann. § 21-5107(c)(2). A “sexually violent crime” includes aggravated human trafficking in violation of Kan. Stat. Ann. § 21-5426(b) and § 22-4902(c).

b. Kan. Stat. Ann. § 21-5612 (2017) – Promoting Travel for Child Exploitation

i. Summary

“Promoting travel for child exploitation” means “knowingly selling or offering to sell travel services that include or facilitate travel for the purpose of any person engaging in conduct that would constitute a violation of [aggravated human trafficking; sexual exploitation of a child; internet trading in child pornography; aggravated internet trading in child pornography; or commercial sexual exploitation of a child] if such conduct occurred in this state.” Kan. Stat. Ann. § 21-5612(a).

ii. Sentencing

Promoting travel for child exploitation is a severity level 5, person felony. Kan. Stat. Ann. § 21-5612(b). It is sentenced according to the grid at Kan. Stat. Ann. § 21-6804.

iii. Statute of Limitations

Subject to certain conditions and exceptions, a prosecution for any crime shall be commenced within five years after it is committed. Kan. Stat. Ann. § 21-5107(d).

The period within which a prosecution shall be commenced shall not include any period in which:

- (1) The accused is absent from the state;
- (2) the accused is concealed within the state so that process cannot be served upon the accused;
- (3) the fact of the crime is concealed;

- (4) a prosecution is pending against the defendant for the same conduct, even if the indictment or information which commences the prosecution is quashed or the proceedings are set aside or are reversed on appeal;
- (5) an administrative agency is restrained by court order from investigating or otherwise proceeding on a matter before it ...; or
- (6) whether the fact of the crime is concealed by the active act or conduct of the accused, there is substantially competent evidence to believe two or more of the [enumerated] factors [in § 21-5107(e)(6)] are present

Kan. Stat. Ann. § 21-5107(e); *see also* Kan. Stat. Ann. § 21-5107(c) (statute of limitations for “sexually violent crimes”).

c. Kan. Stat. Ann. § 21-6328 (2021) – Kansas Racketeer Influenced and Corrupt Organization Act

A “covered person” in Kansas’s racketeering statute includes persons who engaged in human trafficking, aggravated human trafficking, or commercial sexual exploitation of a child. Kan. Stat. Ann. § 21-6328(b)(2).

d. Kan. Stat. Ann. § 21-6419 (2013) – Selling Sexual Relations

i. Summary

“Selling sexual relations is performing for hire, or offering or agreeing to perform for hire where there is an exchange of value, any of the following acts:

- (1) Sexual intercourse;
- (2) sodomy; or
- (3) manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another.”

Kan. Stat. Ann. § 21-6419(a).

It is an affirmative defense to a charge of selling sexual relations that the defendant committed the act because the defendant was subjected to human trafficking, aggravated human trafficking, or commercial sexual exploitation of a child. Kan. Stat. Ann. § 21-6419(c).

ii. Sentencing

“Selling sexual relations is a class B nonperson misdemeanor.” Kan. Stat. Ann. § 21-6419(b). The maximum sentence for a Class B misdemeanor is confinement in the county jail for six months. Kan. Stat. Ann. § 21-6602(a)(2).

iii. Statute of Limitations

Subject to certain conditions and exceptions, a prosecution for any crime shall be commenced within five years after it is committed. Kan. Stat. Ann. § 21-5107(d)

The period within which a prosecution shall be commenced shall not include any period in which:

- (1) The accused is absent from the state;
- (2) the accused is concealed within the state so that process cannot be served upon the accused;
- (3) the fact of the crime is concealed;

- (4) a prosecution is pending against the defendant for the same conduct, even if the indictment or information which commences the prosecution is quashed or the proceedings are set aside or are reversed on appeal;
- (5) an administrative agency is restrained by court order from investigating or otherwise proceeding on [certain specified matters] ...; or
- (6) whether the fact of the crime is concealed by the active act or conduct of the accused, there is substantially competent evidence to believe two or more of the [enumerated] factors [in § 21-5107(e)(6)] are present

Kan. Stat. Ann. § 21-5107(e).

e. Kan. Stat. Ann. § 21-6424 (2017) – Unlawful Use of a Communication Facility

i. Summary

It shall be unlawful for any person to knowingly or to intentionally use any communication facility:

- (1) In committing, causing, or facilitating the commission of any felony under [the statutes for (1) human trafficking and aggravated human trafficking; (2) commercial sexual exploitation of a child; or (3) promoting the sale of sexual relations];
- (2) in any attempt to commit, any conspiracy to commit, or any criminal solicitation of any felony under [the statutes for (1) human trafficking and aggravated human trafficking; (2) commercial sexual exploitation of a child; or (3) promoting the sale of sexual relations]; or
- (3) in committing, causing, or facilitating the commission of any felony or misdemeanor under [the statute for buying sexual relations] or in any attempt to commit, any conspiracy to commit, or any criminal solicitation of any felony or misdemeanor under [the statute for buying sexual relations].

Kan. Stat. Ann. § 21-6424(a).

“As used in this section, ‘communication facility’ means any and all public and private instrumentalities used or useful in the transmission of writing, signs, signals, pictures or sounds of all kinds and includes telephone, wire, radio, computer, computer networks, beepers, pagers and all other means of communication.” Kan. Stat. Ann. § 21-6424(c).

It is an affirmative defense to a charge of unlawful use of a communication facility that the defendant committed the act because the defendant had been subjected to human trafficking, aggravated human trafficking, or commercial sexual exploitation of a child. Kan. Stat. Ann. § 21-6424(d).

ii. Sentencing

Each separate use of a communication facility may be charged as a separate offense under this subsection. Kan. Stat. Ann. § 21-6424(a).

“Violation of subsection (a)(1) or (a)(2) is a severity level 7, person felony.” Kan. Stat. Ann. § 21-6424(b)(1). It is sentenced according to the grid at Kan. Stat. Ann. § 21-6804.

“Violation of subsection (a)(3) is a Class A person misdemeanor.” Kan. Stat. Ann. § 21-6424(b)(2). The maximum sentence for a Class A misdemeanor is confinement in the county jail for one year. Kan. Stat. Ann. § 21-6602(a)(1).

iii. Statute of Limitations

Subject to certain conditions and exceptions, a prosecution for any crime shall be commenced within five years after it is committed. Kan. Stat. Ann. § 21-5107(d).

The period within which a prosecution shall be commenced shall not include any period in which:

- (1) The accused is absent from the state;
- (2) the accused is concealed within the state so that process cannot be served upon the accused;
- (3) the fact of the crime is concealed;
- (4) a prosecution is pending against the defendant for the same conduct, even if the indictment or information which commences the prosecution is quashed or the proceedings are set aside or are reversed on appeal;
- (5) an administrative agency is restrained by court order from investigating or otherwise proceeding on a matter before it ...; or
- (6) whether the fact of the crime is concealed by the active act or conduct of the accused, there is substantially competent evidence to believe two or more of the [enumerated] factors [in § 21-5107(e)(6)] are present

Kan. Stat. Ann. § 21-5107(e).

When the victim is 18 years of age or older, a prosecution for a sexually violent crime “shall be commenced within 10 years or one year from the date on which the identity of the suspect is conclusively established by DNA testing, whichever is later” Kan. Stat. Ann. § 21-5107(c)(1). When the victim is under 18 years old, a prosecution “shall be commenced within 10 years of the date the victim turns 18 years of age or one year from the date on which the identity of the suspect is conclusively established by DNA testing, whichever is later.” Kan. Stat. Ann. § 21-5107(c)(2). “Sexually violent crime” means “any act which beyond a reasonable doubt has been determined to have been sexually motivated, unless the court, on the record, finds that the act involved non-forcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim.” Kan. Stat. Ann. § 22-4902(c)(18).

2. Online Child Sexual Exploitation and Child Pornography Offenses

Kan. Stat. Ann. § 21-5508 – Indecent Solicitation of a Child; Aggravated Indecent Solicitation of a Child

Kan. Stat. Ann. § 21-5509 – Electronic Solicitation

Kan. Stat. Ann. § 21-5510 – Sexual Exploitation of a Child

Kan. Stat. Ann. § 21-5514 – Internet Trading in Child Pornography; Aggravated Internet Trading in Child Pornography

Kan. Stat. Ann. § 21-5610 – Unlawful Possession of a Visual Depiction of a Child

Kan. Stat. Ann. § 21-5611 – Unlawful Transmission of a Visual Depiction of a Child

Kan. Stat. Ann. § 21-6419 – Selling Sexual Relations

Kan. Stat. Ann. § 21-6420 – Promoting the Sale of Sexual Relations

Kan. Stat. Ann. § 21-6421 – Buying Sexual Relations

Kan. Stat. Ann. § 21-6422 – Commercial Sexual Exploitation of a Child

3. Kan. Stat. Ann. § 22-4904 (2016) – Registration of Sex Offender

With limited exceptions, a person who is found guilty of a “sex offense” must register as a sex offender. Kan. Stat. Ann. § 22-4904. A “sex offense” for registration purposes includes the offenses of sexual exploitation of a child, electronic solicitation, aggravated human trafficking, and commercial sexual exploitation of a child. Kan. Stat. Ann. §§ 22-4902, 22-4904.

B. Civil Liability Statutes

1. Kan. Stat. Ann. § 60-5003 (2015) – Civil Lawsuit for Victims of Human Trafficking or Commercial Sexual Exploitation of a Child

a. Summary

A victim of the conduct of another that would constitute conduct prohibited by Kansas’s human trafficking, aggravated human trafficking, or commercial sexual exploitation of a child statutes may bring a lawsuit against the person or persons who engaged in such conduct if the victim suffered personal or psychological injury as a result of the conduct. Kan. Stat. Ann. § 60-5003(a).

At the victim’s request, the Kansas Attorney General may pursue a case on behalf of any Kansas victim under this section. All damages obtained shall go to the victim, and the Attorney General may seek reasonable attorney’s fees and costs. Kan. Stat. Ann. § 60-5003(d).

b. Damages and Other Relief

In a claim under this section, the court shall award a prevailing plaintiff the costs of the lawsuit, including reasonable attorney fees. Kan. Stat. Ann. § 60-5003(b). A victim may seek actual damages, exemplary or punitive damages, injunctive relief, and any other appropriate relief. Kan. Stat. Ann. § 60-5003(a). A victim who is awarded damages shall be deemed to have sustained damages of at least USD 150,000. Kan. Stat. Ann. § 60-5003(b).

c. Statute of Limitations

Notwithstanding any other provision of law, any lawsuit commenced under this section shall be filed within 10 years after the later of the date on which the victim:

- (1) was freed from the human trafficking situation; or
- (2) attained 18 years of age.

Kan. Stat. Ann. § 60-5003(c).

2. Kan. Stat. Ann. § 60-5001 (2015) – Civil Lawsuit for Victims of Child Pornography

a. Summary

Any person who, while under the age of 18, was a victim of offenses including human trafficking, aggravated human trafficking, or commercial sexual exploitation of a child, “where such offense resulted in a conviction and any portion of such offense was used in the production of child pornography, and who suffers personal or psychological injury as a result of the production, promotion, or possession of such child pornography, may bring an action in an appropriate state court against the producer, promoter or intentional possessor of such child pornography, regardless of whether the victim is now an adult.” Kan. Stat. Ann. § 60-5001(a).

It is not a defense to a civil lawsuit under this section that the respondent did not know the victim or did not commit the abuse depicted in the child pornography. Kan. Stat. Ann. § 60-5001(d).

At the victim’s request, the attorney general may pursue cases on behalf of any Kansas victim under this section. All damages obtained shall go to the victim, and the attorney general may seek reasonable attorney’s fees and costs. Kan. Stat. Ann. § 60-5001(e).

b. Damages and Other Relief

In any lawsuit brought under this section, a prevailing plaintiff shall recover the actual damages such person sustained and the cost of the lawsuit, including reasonable attorney’s fees. Any victim who is awarded damages under this section shall be deemed to have sustained damages of at least USD 150,000. Kan. Stat. Ann. § 60-5001(b).

c. Statute of Limitations

Notwithstanding any other provision of law, any lawsuit commenced under this section shall be filed within three years after the later of:

- (1) the conclusion of a related criminal case;
- (2) the notification to the victim by a member of a law enforcement agency of the creation, possession, or promotion of the child pornography; or
- (3) in the case of a victim younger than 18, within three years after the person reaches the age of 18.

Kan. Stat. Ann. § 60-5001(c).

3. Kan. Stat. Ann. § 60-523 (2011) – Limitation on Lawsuits for Damages Suffered as a Result of Childhood Sexual Abuse

No lawsuit for recovery of damages suffered as a result of “childhood sexual abuse” shall be commenced more than three years after the date the person attains 18 years of age or more than three years from the date the person discovers or reasonably should have discovered that the injury or illness was caused by childhood sexual abuse, whichever occurs later. Kan. Stat. Ann. § 60-523(a). “Childhood sexual abuse” includes “any act committed against a person ... under the age of 18 years and which act would have been a violation of” crimes including sexual exploitation of a child. Kan. Stat. Ann. § 60-523(b)(2).

C. Additional Statutes Specific to Human Trafficking

1. Kan. Stat. Ann. § 8-2,157 (2017) – Commercial Driver’s Licenses; Training in Human Trafficking Identification and Prevention Required

An applicant for issuance or renewal of a commercial driver’s license, prior to such issuance or renewal, shall complete training approved by the Kansas Attorney General in human trafficking identification and prevention and provide satisfactory proof of such completion to the Division of Vehicles of the Department of Revenue prior to such issuance or renewal.

2. Kan. Stat. Ann. § 38-2312 (2019) – Expungement of Records for Juvenile Trafficking Victims

After an application, a court shall expunge the records and files of a juvenile for most crimes if the court finds that:

- (A) the juvenile is a victim of human trafficking and committed the adjudicated acts as a result,

“(B) since the final discharge of the juvenile, the juvenile has not been convicted of a felony or of a misdemeanor other than a traffic offense or adjudicated as a juvenile offender ... and no proceedings are pending seeking such a conviction or adjudication, and

(C) the circumstances and behavior of the petitioner warrant expungement.”

Kan. Stat. Ann. § 38-2312(e).

3. Kan. Stat. Ann. § 38-2231 (2018) – Child Under 18, When Law Enforcement Officers or Court Services Officers May Take into Custody

A law enforcement officer or court services officer shall take a child under 18 years of age into custody when the officer reasonably believes the child is a victim of human trafficking, aggravated human trafficking, or commercial sexual exploitation of a child. Kan. Stat. Ann. § 38-2231(b)(3).

4. Kan. Stat. Ann. § 38-2289 (2016) –Reporting of Information to Law Enforcement of a Child Trafficking Victim

Immediately after receiving information that a child has been identified as a victim of human trafficking, aggravated human trafficking, or commercial sexual exploitation of a child, the Secretary for Children and Families or the Secretary’s designee must report that information to law enforcement and in no case any later than 24 hours after receiving such information.

5. Kan. Stat. Ann. § 44-312 *et seq.* (1999) – Payment of Compensation

An employer that willfully fails to pay an employee wages may be held liable for the wages owed plus additional penalties in a civil lawsuit brought by the employee. Kan. Stat. Ann. § 44-315. In the alternative, an employee may file a claim with the Department of Labor to recover unpaid wages and damages. Kan. Stat. Ann. § 44-322a.

More information is available at: <https://www.dol.ks.gov/laws/wage-claims>.

6. Kan. Stat. Ann. § 58-25,137 (2019) – Housing Protections for Persons Affected by Human Trafficking

Landlords may not deny tenancy based on the fact that the applicant is a “protected person.” Victims of human trafficking are protected persons.

7. Kan. Stat. Ann. § 75-756 (2013) –Coordination of Law Enforcement Training on Human Trafficking

The Kansas Attorney General, in consultation with other appropriate state agencies, is authorized to coordinate training regarding human trafficking for law enforcement agencies throughout the state.

8. Kan. Stat. Ann. § 75-757 (2013) – Human Trafficking Advisory Board

Kansas created an advisory board on the subject of human trafficking that includes representatives from 16 state entities.

9. Kan. Stat. Ann. § 75-758 (2013) – Human Trafficking Victim Assistance Fund

Kansas created a fund for support, care, treatment, and other services for victims of human trafficking and commercial sexual exploitation of a child.

10. Kan. Stat. Ann. § 75-759 (2021) – Notice Offering Help to Human Trafficking Victims

A notice offering to help trafficking victims, including information about the national human trafficking hotline, shall appear on the websites of the Kansas Attorney General, the Kansas Department for Children and Families, and the

Kansas Department of Labor. Kan. Stat. Ann. § 75-759(a). The Secretary of Labor, in consultation with the Attorney General, shall develop and implement an education plan to raise awareness among Kansas employers about the problem of human trafficking, about the hotline described in this section, and about other resources that may be available to employers, employees, and potential victims of human trafficking. Kan. Stat. Ann. § 75-759(d).

11. Kan. Stat. Ann. § 75-453 (2021) – Substitute Mailing Address

An adult person, an adult family member residing with the victim, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, may apply by and through an enrolling agent to have an address designated by the [Kansas] attorney general serve as the person's address or the address of the minor or incapacitated person. * * * The [Kansas] attorney general shall approve an application if it is filed ..., signed by the applicant and enrolling agent under penalty of perjury and providing:

- (1) A statement by the applicant that the applicant has good reason to believe that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, human trafficking or stalking and:
 - (i) That the applicant fears for the applicant's safety or the applicant's children's safety or the safety of the minor or incapacitated person on whose behalf the application is made; or
 - (ii) that by virtue of living with an enrolled program participant, the applicant fears that the knowledge or publication of the applicant's whereabouts will put the enrolled participant in danger.
- (2) A designation of the [Kansas] attorney general as agent for purposes of service of process and for the purpose of receipt of mail.
- (3) The confidential mailing address where the applicant can be contacted by the secretary of state, and the phone number or numbers where the applicant can be called by the secretary of state.
- (4) The confidential address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic violence, sexual assault, human trafficking or stalking.
- (5) Evidence that the applicant or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, human trafficking, or stalking, or is an adult family member residing with the victim. * * *
- (6) A statement of whether there are any existing court orders involving the applicant for child support, child custody or child visitation and whether there are any active court actions [lawsuits] involving the applicant for child support, child custody, or child visitation, the name and address of legal counsel of record and the last known address of the other parent or parents involved in those court orders or court actions.
- (7) The signature of the applicant and of any individual or representative of any enrolling agent who assisted in the preparation of the application, and the date on which the applicant signed the application.

Kan. Stat. Ann. § 75-453.

12. Kan. Supreme Court Rule 24 (2019) – Protection of Personally Identifiable Information

This rule obligates attorneys and parties to protect the confidentiality of the victim’s personally identifiable information, including name, in a human trafficking case.

D. Significant Cases

1. *State v. Williams*, 257 P.3d 849 (Kan. Ct. App. 2011)

The defendant was convicted of aggravated human trafficking after recruiting and relocating a minor to engage in prostitution for the defendant’s financial benefit. The defendant contended that Kansas’s human trafficking statute was unconstitutionally overbroad and vague. He also argued that the district court erred by entering a conviction for the general crime of aggravated trafficking when the state’s evidence supported a conviction for the specific crime of promoting prostitution.

The Kansas Court of Appeals upheld the aggravated human trafficking statute as not overbroad or vague. In addition, the court held the crimes of aggravated trafficking and promoting prostitution did not have identical elements for sentencing purposes.

E. Academic Research/Papers

Merideth J. Hogan, *A Review of Human Trafficking*, 87 J. KAN. B. ASS’N 36 (2018).

Leslie Klaassen, Note, *Breaking the Victimization Cycle: Domestic Minor Trafficking in Kansas*, 52 WASHBURN L. J. 581 (2013).

F. Resources

Kansas Attorney General, Human Trafficking:

<https://ag.ks.gov/public-safety/human-trafficking>

National Human Trafficking Hotline (Kansas):

<https://humantraffickinghotline.org/state/kansas>

Law Enforcement Protocol for Human Trafficking Victims (2020):

https://ag.ks.gov/docs/default-source/publications/law-enforcement-protocol-for-human-trafficking-victims.pdf?sfvrsn=23d0c61a_8

Kansas Human Trafficking Brochure (2019):

https://ag.ks.gov/docs/default-source/publications/human-trafficking-brochure.pdf?sfvrsn=e41758af_20

Shared Hope International, Kansas Report Card (2019):

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