

Kansas



The letter grades reflect Polaris' evaluation of existing laws designed to provide survivors of human trafficking with a realistic pathway to clear their criminal records. For more information on the criteria graded, please read [here](#) and examples of model legislation for each criteria can be found [here](#). If you have any questions or issues, please contact policy@polarisproject.org.

GOOD FOR SURVIVORS:

Hearing Requirement:

Attending a hearing can be traumatizing for survivors as well as expensive. Kansas is silent on whether a hearing is required, potentially allowing for a petition for relief to be granted without a hearing. However, this language is not specific, meaning a hearing may be required. Ideally, survivors could apply for relief, and based on the evidence provided, the court could decide to grant relief without having a hearing.

Judicial Discretion:

Kansas provides that the court "shall" or "must" order relief if the survivor meets certain statutory requirements. Therefore, the survivor is guaranteed specific action based on their eligibility.

NEEDS IMPROVEMENT:

Legal Effect:

Kansas only provides partial relief for survivors as it vacates, expunges, sets aside, or seals criminal records but doesn't reverse or void the record in a way that eliminates any potential adverse effects its existence may have on survivors' lives. Ideally, the law should return the survivor to pre-record status. The statute should also include the automatic destruction of the records so they cannot be used against the survivor in the future.

Offenses Covered:

The narrow scope of offenses currently covered by the criminal record relief statute in Kansas is inadequate because relief only applies to prostitution-related offenses - yet the range of offenses for which survivors are arrested and prosecuted is much broader. Ideally, legislators in Kansas would expand the statute to include all offenses so more survivors are eligible for relief.

Satisfaction of Sentence Imposed:

Kansas requires that a survivor complete the full sentence imposed before they can apply for relief to clear that offense from their record. This condition ignores that the conviction should not have happened in the first place.

Trafficking Nexus:

Kansas requires survivors to prove that their offenses were committed "while under duress." This is problematic as it suggests a misunderstanding or narrow view of trafficking dynamics and the ways in which victims experience coercion.



Statute: [Kan. Stat. Ann. § 21-6614](#)