

HOUSE No. 02154

The Commonwealth of Massachusetts

PRESENTED BY:

Paul Brodeur

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act providing protection from child enticement.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Kevin Kuros</i>	<i>8th Worcester</i>
<i>Steven L. Levy</i>	<i>4th Middlesex</i>
<i>John D. Keenan</i>	<i>7th Essex</i>
<i>Mark Cusack</i>	<i>5th Norfolk</i>
<i>Gerard Leone</i>	<i>District Attorney, Middlesex County</i>

HOUSE No. 02154

By Mr. Brodeur of Melrose, a petition (accompanied by bill, House, No. 2154) of Cusack and others relative to providing protection from child enticement Joint Committee on the Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act providing protection from child enticement.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 26C of chapter 265 of the General Laws, as amended by Chapter 267 of
2 the Acts of 2010, is hereby amended by inserting after the existing subsection (b), a new
3 subsection (c) as follows:

4

5 (c) No person, by any means and without privilege to do so, shall knowingly entice any child
6 under the age of 16, or someone he believes to be a child under the age of 16, to enter into any
7 vehicle, if:

8 (1) The person does not have the express or implied permission of the parent, guardian, or other
9 legal custodian of the child in undertaking the activity; and

10 (2) (i) The person is not a law enforcement officer, emergency services provider as defined in
11 section 71-507, firefighter, or other person who regularly provides emergency services, is not the

12 operator of a bookmobile or other such vehicle operated by the state or a political subdivision
13 and used for informing, educating, organizing, or transporting children, is not a paid employee
14 of, or a volunteer for, a nonprofit or religious organization which provides activities for children,
15 and is not an employee or agent of or a volunteer acting under the direction of any board of
16 education or (ii) the person is a person listed in subdivision (c)(2)(i) of this section but, at the
17 time the person undertakes the activity, he or she is not acting within the scope of his or her
18 lawful duties in that capacity.

19 (3) It is an affirmative defense to a charge under this subsection (c) that the person undertook the
20 activity in response to a bona fide emergency situation or that the person undertook the activity
21 in response to a reasonable belief that it was necessary to preserve the health, safety, or welfare
22 of the child.

23 (4) Any person who violates this subsection (c) shall be punished by imprisonment in the state
24 prison for not more than 5 years, or in the house of correction for not more than 2 1/2 years, or
25 by both imprisonment and a fine of not more than \$5,000.