

SENATE No. 888

The Commonwealth of Massachusetts

PRESENTED BY:

Jason M. Lewis

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 adoption of the accompanying bill:

An Act providing protection from child enticement.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Marian T. Ryan, Middlesex District Attorney</i>	<i>15 Commonwealth Avenue Woburn, MA 01801</i>

SENATE No. 888

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 888) of Jason M. Lewis and Marian T. Ryan, Middlesex District Attorney for legislation to provide protection from child enticement. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 858 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

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
2 267 of the Acts of 2010, is hereby amended by inserting after the existing subsection (b), a new
3 subsection (c) as follows:

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

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

9 (2) (i) The person is not a law enforcement officer, emergency services provider as
10 defined in section 71-507, firefighter, or other person who regularly provides emergency
11 services, is not the operator of a bookmobile or other such vehicle operated by the state or a
12 political subdivision and used for informing, educating, organizing, or transporting children, is
13 not a paid employee of, or a volunteer for, a nonprofit or religious organization which provides
14 activities for children, and is not an employee or agent of or a volunteer acting under the
15 direction of any board of education or (ii) the person is a person listed in subdivision (c)(2)(i) of
16 this section but, at the time the person undertakes the activity, he or she is not acting within the
17 scope of his or her lawful duties in that capacity.

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

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