HOUSE DOCKET, NO. 2955 FILED ON: 1/21/2011

HOUSE . . . . . No. 2154

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 adoption of the accompanying bill:

An Act providing protection from child enticement.

PETITION OF:

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

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HOUSE . . . . . No. 2154

By Mr. Brodeur of Melrose, a petition (accompanied by bill, House, No. 2154) of Paul Brodeur and others relative to providing protection from child enticement. 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:

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

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

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

(2) (i) The person is not a law enforcement officer, emergency services provider as defined in section 71-507, firefighter, or other person who regularly provides emergency services, is not the operator of a bookmobile or other such vehicle operated by the state or a

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

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

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