

# SENATE . . . . . No. 686

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## The Commonwealth of Massachusetts

PRESENTED BY:

***Katherine M. Clark***

*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>Katherine M. Clark</i>	<i>Fifth Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>James B. Eldridge</i>	
<i>Barry R. Finegold</i>	
<i>Middlesex District Attorney Gerry Leone</i>	<i>15 Commonwealth Avenue Woburn, MA 01801</i>

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By Ms. Clark, a petition (accompanied by bill, Senate, No. 686) of Katherine M. Clark, Cory Atkins, James M. Cantwell, James J. Dwyer and other members of the General Court for legislation to provide protection from child enticement. The Judiciary.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven  
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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  
5   entice any child under the age of 16, or someone he believes to be a child under the age of 16, to  
6   enter into 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.