SENATE DOCKET, NO. 1388 FILED ON: 1/16/2015

SENATE . . . . . No. 858

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:
Jason M. Lewis	*Fifth Middlesex*

SENATE DOCKET, NO. 1388 FILED ON: 1/16/2015

SENATE . . . . . No. 858

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 858) of Jason M. Lewis for legislation to provide protection from child enticement. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

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 26C of chapter 265 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the subsection (b), the following subsection:-

(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 political subdivision and used for informing, educating, organizing, or transporting children, is not a paid employee of, or a volunteer for, a nonprofit or religious organization which provides

activities for children, and is not an employee or agent of or a volunteer acting under the direction of any board of education or (ii) the person is a person listed in subdivision (c)(2)(i) of this section but, at the time the person undertakes the activity, he or she is not acting within the scope of his or her lawful duties in that capacity. (3) It is an affirmative defense to a charge under this subsection (c) that the person undertook the activity in response to a bona fide emergency situation or that the person undertook the activity in response to a reasonable belief that it was necessary to preserve the health, safety, or welfare of the child.