

SENATE No. 645

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>Jennifer L. Flanagan</i> | <i>Worcester and Middlesex</i> |
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> |
| <i>Denise Andrews</i> | <i>2nd Franklin</i> |
| <i>Middlesex District Attorney Gerry Leone</i> | <i>15 Commonwealth Avenue</i> <input type="checkbox"/> <i>Woburn, MA 01801</i> |

SENATE No. 645

By Ms. Clark, a petition (accompanied by bill, Senate, No. 645) of Katherine M. Clark, Jennifer L. Flanagan, Thomas M. Stanley, Sal N. DiDomenico and other members of the General Court for legislation to provide protection from child enticement. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 686 OF 2011-2012.]

The Commonwealth of Massachusetts

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

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

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

8 (2) (i) The person is not a law enforcement officer, emergency services provider as
9 defined in section 71-507, firefighter, or other person who regularly provides emergency
10 services, is not the operator of a bookmobile or other such vehicle operated by the state or a
11 political subdivision and used for informing, educating, organizing, or transporting children, is
12 not a paid employee of, or a volunteer for, a nonprofit or religious organization which provides
13 activities for children, and is not an employee or agent of or a volunteer acting under the
14 direction of any board of education or (ii) the person is a person listed in subdivision (c)(2)(i) of
15 this section but, at the time the person undertakes the activity, he or she is not acting within the
16 scope of his or her lawful duties in that capacity. (3) It is an affirmative defense to a charge

17 under this subsection (c) that the person undertook the activity in response to a bona fide
18 emergency situation or that the person undertook the activity in response to a reasonable belief
19 that it was necessary to preserve the health, safety, or welfare of the child.