

**CITY OF BALTIMORE
COUNCIL BILL 08-0246
(First Reader)**

Introduced by: Councilmembers Kraft, Young, Henry, D’Adamo, Middleton, Cole, Clarke,
Curran, Conaway

Introduced and read first time: December 4, 2008

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Police Department, Department of
Finance, Youth Commission, Mayor’s Office of Criminal Justice

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Enticing Minors – Expanded Coverage**

3 FOR the purpose of extending the prohibition against enticing, etc., certain younger children into
4 a vehicle to encompass all minors; increasing the penalties for violations; conforming,
5 correcting, and clarifying certain exceptions and related language; and generally relating to
6 the protection of minors from predators.

7 BY repealing and reordaining, with amendments

8 Article 19 - Police Ordinances

9 Section(s) 38-1

10 Baltimore City Code

11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
13 Laws of Baltimore City read as follows:

14 **Baltimore City Code**

15 **Article 19. Police Ordinances**

16 **Subtitle 38. Minors – Miscellaneous**

17 **§ 38-1. Enticing child into vehicle.**

18 (A) “*MINOR*” *DEFINED.*

19 “MINOR” MEANS ANY PERSON UNDER THE AGE OF 18 YEARS.

20 (B) [(a)] *Prohibited conduct.*

21 [It shall be unlawful for any] EXCEPT AS OTHERWISE SPECIFIED IN THIS SECTION, NO
22 person MAY, by any means, [to] solicit, coax, entice, or lure any [child under 14 years of
23 age] MINOR to enter into any vehicle, regardless of whether [or not] the [offender]
24 PERSON knows the age of the [child,] MINOR [unless:].

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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1 (C) *EXCEPTIONS.*

2 THIS SECTION DOES NOT APPLY TO:

3 (1) [the] A person WHO has [the] express OR IMPLIED permission [of] FROM the
4 MINOR’S parent, guardian, or other legal custodian [of the child in undertaking]
5 FOR the activity; [or]

6 (2) [the person is] a law enforcement officer, medic, firefighter, or other person who
7 UNDERTAKES THE ACTIVITY:

8 (I) IN RESPONSE TO A BONA FIDE EMERGENCY SITUATION; OR

9 (II) OTHERWISE IN THE REASONABLE BELIEF THAT IT WAS NECESSARY TO
10 PRESERVE THE HEALTH, SAFETY, OR WELFARE OF THE MINOR; OR

11 [(i) regularly provides emergency services; and]

12 [(ii) at the time he undertakes the activity, he is acting within the scope of his
13 lawful duties in that capacity.]

14 [(b) *Affirmative defenses.*]

15 [Any person charged with committing this offense shall have available, as an affirmative
16 defense, that:]

17 (3) [(1) the] A person [had] ACTING UNDER a special privilege[;].

18 [(2) the person had the implied permission of the parent, guardian, or other legal
19 custodian of the child;]

20 [(3) the activity was undertaken in response to a bona fide emergency situation;
21 or]

22 [(4) the activity was undertaken in the reasonable belief that it was necessary to
23 preserve the health, safety, or welfare of the child.]

24 (D) [(c)] *Penalties.*

25 Any person [violating the provisions] WHO VIOLATES ANY PROVISION of this section
26 [shall be] IS guilty of a misdemeanor and, [upon] ON conviction [thereof], [shall be] IS
27 subject to a fine OF not [exceeding \$500] MORE THAN \$1,000 or to imprisonment for [a
28 period] not [exceeding 6] MORE THAN 12 months[,], or TO both fine and imprisonment[, in
29 the discretion of the court] FOR EACH OFFENSE.

30 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
31 are not law and may not be considered to have been enacted as a part of this or any prior
32 Ordinance.

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1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
2 after the date it is enacted.