

CITY OF BALTIMORE

SHEILA DIXON, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor  
101 City Hall  
Baltimore, Maryland 21202

February 10, 2009

The Honorable President and Members  
of the Baltimore City Council  
Attn: Karen Randle, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 08-0246 – Enticing Minors – Expanded Coverage

Dear Madame President and City Council Members:

The Law Department has reviewed City Council Bill 08-0246 for form and legal sufficiency. This bill would expand the existing prohibition in Section 38-1 of Article 19 of the City Code against enticing a child into a vehicle so that it applies to all minors under the age of 18, not just to children under the age of 14. It also increases the maximum fine to \$1,000 and the maximum jail time to one year.

In addition, the bill removes the affirmative defense of “special privilege,” which was previously a term for when a person had 1) permission of a parent/guardian, 2) was acting in response to an emergency or 3) reasonably believed it was necessary to preserve the health, safety or welfare of the child. Instead, the bill lists these previously termed “special privileges” as exceptions. Confusingly, however, the bill creates “acting under special privilege” as a fourth and separate exception, when it used to exist only as a term to describe the other three exceptions. Although this superfluous language does not impact the legal sufficiency of the bill, the Law Department recommends striking it.

Since this bill is in accordance with Sections 27, 47 and 48 of Article II of the City Charter, the Law Department approves Council Bill 08-0246 for form and legal sufficiency.

Very truly yours,

Hilary Ruley  
Assistant Solicitor

cc: George Nilson, City Solicitor  
Angela C. Gibson, Mayor’s Legislative Liaison  
James B. Kraft, Councilmember, 1<sup>st</sup> District  
Elena DiPietro, Chief Solicitor  
Deepa Bhattacharyya, Assistant Solicitor  
Ashlea Brown, Special Assistant Solicitor

