

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 08-0246

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

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: March 2, 2009

AN ORDINANCE CONCERNING

Enticing Minors – Expanded Coverage

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

BY repealing and reordaining, with amendments

Article 19 - Police Ordinances

Section(s) 38-1

Baltimore City Code

(Edition 2000)

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

Baltimore City Code

Article 19. Police Ordinances

Subtitle 38. Minors – Miscellaneous

§ 38-1. Enticing child into vehicle.

(A) “*MINOR*” *DEFINED.*

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

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

[It shall be unlawful for any] EXCEPT AS OTHERWISE SPECIFIED IN THIS SECTION, NO person MAY, by any means, [to] solicit, coax, entice, or lure any [child under 14 years of

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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1 age] MINOR to enter into any vehicle, regardless of whether [or not] the [offender]
2 PERSON knows the age of the [child,] MINOR [unless:].

3 (C) *EXCEPTIONS.*

4 THIS SECTION DOES NOT APPLY TO:

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

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

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

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

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

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

16 [(b) *Affirmative defenses.*]

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

19 (3) ~~[(1) the] A person [had] ACTING UNDER a special privilege[;].~~

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

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

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

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

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

32 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
33 are not law and may not be considered to have been enacted as a part of this or any prior
34 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.

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City