



Legislation Text

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

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: Councilmember Kraft

A BILL ENTITLED

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

§ 38I 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 age] MINOR to enter into any vehicle, regardless of whether [or not] the [offender] PERSON knows the age of the [child,] MINOR [unless:].

(C) EXCEPTIONS.

THIS SECTION DOES NOT APPLY TO:

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

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

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

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

[(i) regularly provides emergency services; and]

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

[(b) Affirmative defenses.]

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

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

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

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

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

(D) [(c)] Penalties.

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

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

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

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