

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1594 Session of 2013

INTRODUCED BY REGAN, STEPHENS, MILLARD, BIZZARRO, HELM,
 MCGINNIS, STERN, PICKETT, KAVULICH, BOBACK, V. BROWN,
 KAUFFMAN, CUTLER, FARINA, HAGGERTY, D. COSTA, MAJOR, DAVIS,
 SANKEY, SCHLOSSBERG, O'NEILL, YOUNGBLOOD, MCGEEHAN, MARSHALL,
 LAWRENCE, RAPP, HARHAI, COHEN, MARSICO, GINGRICH, MURT,
 C. HARRIS, ROCK, STEVENSON, GROVE, MILNE AND R. MILLER,
 JUNE 28, 2013

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 28, 2013

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
 2 Consolidated Statutes, further providing for the offense of
 3 luring a child into a motor vehicle or structure.

4 The General Assembly of the Commonwealth of Pennsylvania
 5 hereby enacts as follows:

6 Section 1. Section 2910 of Title 18 of the Pennsylvania
 7 Consolidated Statutes is amended to read:

8 § 2910. Luring a child into a motor vehicle or structure.

9 (a) Offense.--Unless the circumstances reasonably indicate
 10 that the child is in need of assistance, a person who lures or
 11 attempts to lure a child into a motor vehicle or structure
 12 without the consent, express or implied, of the child's parent
 13 or guardian commits [a misdemeanor of the first degree] an
 14 offense.

15 (a.1) Grading.--The following shall apply:

16 (1) Except as provided under paragraph (2), an offense

1 under subsection (a) is a misdemeanor of the first degree.

2 (2) If an offense under subsection (a) involves a child
3 less than 13 years of age, the offense is a felony of the
4 second degree.

5 (a.2) Mistake as to age.--If an offense under subsection (a)
6 involves a child less than 13 years of age, it shall be no
7 defense that the defendant did not know the age of the child or
8 reasonably believed the child to be 13 years of age or older.

9 (b) Affirmative defense.--It shall be an affirmative defense
10 to a prosecution under this section that the person lured or
11 attempted to lure the child into the structure for a lawful
12 purpose.

13 (c) Definitions.--As used in this section, the following
14 words and phrases shall have the meanings given to them in this
15 subsection:

16 "Child." A person under 18 years of age.

17 "Motor vehicle." Every self-propelled device in, upon or by
18 which any person or property is or may be transported or drawn
19 on a public highway.

20 "Structure." A house, apartment building, shop, warehouse,
21 barn, building, vessel, railroad car, cargo container, house
22 car, trailer, trailer coach, camper, mine, floating home or
23 other enclosed structure capable of holding a child, which is
24 not open to the general public.

25 Section 2. This act shall take effect in 60 days.