

(S. B. 872)

**(No. 8-2016)**

(Approved February 26, 2016)

## **AN ACT**

To amend Article 185 of Act No. 146-2012, as amended, known as the “Puerto Rico Penal Code,” in order to include the alteration, interference, or obstruction of water, gas, electricity or other fluid supply and distribution system and lines with the intent to defraud or prevent accurate measuring or to evade payment for actual service consumption of these utilities as part of the conduct constituting a crime provided therein.

### **STATEMENT OF MOTIVES**

The Puerto Rico Penal Code provides for different criminal conducts related to meter tampering and subsequent theft of utility services. Article 185 classifies as a crime when a person alters, interferes, or obstructs the water, gas, or electricity meter, or that of any other fluid for the purpose of defrauding another. Upon conviction, a penalty of imprisonment for a fixed term of three (3) years is imposed.

Water, gas, and electricity theft, or theft of any other fluid, is not limited to meter alteration, interference, or obstruction. It also entails full or partial alteration of the installation system for water, gas, electricity, or other fluid so that the meter is unable to measure actual consumption, and/or an installation that prevents the accurate measuring of utility service consumption.

To address this situation where certain persons alter the distribution and supply system of these utilities rather than alter the meter this Legislative Assembly deems it meritorious to classify this conduct as a crime.

***BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:***

Section 1.-Article 185 of Act No. 146-2012, as amended, known as the “Puerto Rico Penal Code,” is hereby amended to read as follows:

“Article 185.- Tampering with Meters and Distribution Systems.-

Any person who willfully, knowingly, or recklessly alters, interferes, or obstructs a water, gas, or electricity meter, or that of any other fluid with the intent to defraud another shall be punished by imprisonment for a fixed term of three (3) years. If the person convicted is a juridical person, such person shall be punished by a fine of up to ten thousand dollars (\$10,000).

For purposes of this Article, it shall be deemed to be an alteration, interference, or obstruction any change, alteration, modification, connection, or disconnection of any meter included herein, or of any part, fixture, element, or component of said meter, as well as the removal or installation of any equipment, mechanism, device, component, part, or element alien to such meter, in its original or regular state, or intended to modify or alter the proper and correct operation of the meter, or the accurate measuring of the consumption of the fluid in question, or that purports to furnish a false, altered, or deceitful metering in lieu of the actual consumption of such fluid or the proper amount to be charged for such supply or consumption.

The conduct constituting a crime provided for in this Article shall also entail the alteration, interference, or obstruction of the water, gas, or electricity, or other fluid supply and distribution system and lines with the intent to defraud or prevent accurate measuring or to evade payment for actual service consumption of these utilities.”

Section 2.- This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 8-2016 (S. B. 872)** of the **7<sup>th</sup> Regular Session** of the **17<sup>th</sup> Legislative Assembly of Puerto Rico**:

**AN ACT** to amend Article 185 of Act No. 146-2012, as amended, known as the "Puerto Rico Penal Code," in order to include the alteration, interference, or obstruction of water, gas, electricity or other fluid supply and distribution system and lines with the intent to defraud or prevent accurate measuring or to evade payment for actual service consumption of these utilities as part of the conduct constituting a crime provided therein.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on this 8<sup>th</sup> day of December, 2016.

Juan Luis Martínez Martínez  
Director