

(H. B. 2397)

**(No. 14-2011)**

(Approved February 18, 2011)

## **AN ACT**

To amend subsection (g) of Section 2 of Act No. 22 of April 22, 1988, as amended, in order to provide that any victim or witness of crime shall have the right to be notified in writing by the Department of Corrections and Rehabilitation of the escape, release, or death of the offender; add a new subsection (s) to recognize the rights of victims to know the name, age and municipality of residence of the offender, even if such offender is a minor; know the name, age, and address of the offender in cases of sexual assault; and for other purposes.

### **STATEMENT OF MOTIVES**

Act No. 22 of April 22, 1988, as amended (hereinafter “Act No. 22”), provides that the rights of victims or witnesses of crime in Puerto Rico shall be guaranteed, in order to provide them with protection and assistance during investigations and judicial proceedings heard in Court. The foregoing seeks to encourage victims or witnesses of crime to fully cooperate and participate without fear of intimidation.

Subsection (g) of Section 2 of Act No. 22, provides that any victim or witness has the right to be notified of the development of the investigation, proceedings, and sentencing of the person responsible for the crime; to be consulted prior to settling a claim or charge against the offender; and to be informed of the procedures after the sentencing when the victim or witness so requests. In addition, it establishes the duty of the Department of Corrections and Rehabilitation to provide a written notice in advance to victims and witnesses of crime whenever the offender is to be released on probation, on parole or under electronic monitoring, transferred to a halfway house, or if he/she has been granted a conditional release.

However, subsection (g) of Section 2 of Act No. 22 fails to include other circumstances that would be detrimental to the rights of victims and witnesses and may even pose a risk to their lives.

It is imperative for victims and witnesses to be notified in advance by the Department of Corrections and Rehabilitation whenever an offender is to be released upon serving his/her sentence, due to a health condition, and when transferred to a new correctional facility. It is also imperative to include the term within which the Department of Corrections shall provide such written notice.

Furthermore, the Department of Corrections shall notify victims and witnesses in writing of the offenders' escape from a halfway house, a penal institution or hospital, and of the offender's subsequent recapture by law enforcement authorities. It is also important to provide notice in the event of the offender's death.

The right to access information about offenders has been recognized by law in many states, even if the offender is a minor, given the high crime and repeat offender rates in this population and the seriousness of the criminal acts. The right to obtain this information is limited to victims and witnesses.

The Legislative Assembly of Puerto Rico deems it imperative to consider all the circumstances in which the rights of victims and witnesses of crime may be safeguarded, in accordance with the principles of public policy of the Government of Puerto Rico.

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

Section 1.- Subsection (g) of Section 2 of Act No. 22 of April 22, 1988, as amended, is hereby amended and a new subsection (s) is added to read as follows:

“Any person who qualifies for protection under the provisions of Act No. 77 of July 9, 1986, as amended, shall be entitled to:

(g) Be notified in writing of the development of all stages of the investigation process, prosecution, and sentencing of the offender; hence, the victim or witness shall:

1. be consulted prior to settling a claim or charge against the offender;

2. be informed of post-sentencing procedures upon request to the Puerto Rico Police Department, the Special Investigations Bureau, or the State Attorney’s Office;

3. be informed by the Department of Corrections and Rehabilitation, as appropriate, in the event the offender is released upon serving his/her sentence, on probation, parole, under electronic monitoring, due to a health condition, or is transferred to a new correctional facility or placed in a halfway house. This notification shall be made within not less than thirty (30) days prior to the release;

4. be informed by the Department of Corrections and Rehabilitation of the offenders’ escape from a penal institution, a hospital or a halfway house within twenty-four (24) hours or less from the time the Corrections Administration becomes aware of the fact;

5. be informed by the Department of Corrections of the offender’s recapture within twenty-four (24) hours or less after the recapture; and

6. be informed by the Department of Corrections or the Parole Board, as appropriate, of the inmate’s death, within a term that shall not exceed fifteen (15) days after the death.

The Puerto Rico Police Department, the Department of Justice, and the Parole Board, as applicable, shall be responsible for providing any necessary information to the Department of Corrections so that the latter may comply with the provisions of this Act and be able to notify victims and witnesses of crime.

...

(r) ...

(s) be informed of the name, age, and municipality of residence of the offender who committed the crime, or offense, against them, even if the offender is a minor, as the case may be. In all cases of sexual assault, victims shall have access to all information, including name, age, and address of the offender.”

#### Section 3.- Severability Clause.-

If any word, sentence, clause, paragraph, subparagraph, section, provision, article, or part of this Act were held to be null or unconstitutional, the holding to such effect shall not affect, impair, or invalidate the remainder of this Act. The effect of such holding shall be limited to the word, sentence, clause, paragraph, subparagraph, section, provision, article, or part thereof held to be null or unconstitutional.

#### Section 4.- Effectiveness.-

This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 14-2011 (H. B. 2397)** of the **5<sup>th</sup> Session of the 16<sup>th</sup> Legislature** of Puerto Rico:

**AN ACT** to amend subsection (g) of Section 2 of Act No. 22 of April 22, 1988, as amended, in order to provide that any victim or witness of crime shall have the right to be notified in writing by the Department of Corrections and Rehabilitation of the escape, release, or death of the offender; add a new subsection (s) to recognize the rights of victims to know the name, age and municipality of residence of the offender, even if such offender is a minor; know the name, age, and address of the offender in cases of sexual assault; and for other purposes.

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

In San Juan, Puerto Rico, on this 27<sup>th</sup> day of June, 2014.

Juan Luis Martínez Martínez  
Acting Director