



COMMONWEALTH OF PUERTO RICO
Office of Legislative Services
CAPITOL BUILDING

Juan R. Melecio
DIRECTOR

December 9, 1987

Juan R. Melecio, Director of the Office of Legislative Services of the Legislature of Puerto Rico, hereby certifies to the Secretary of State that he has duly compared the English and Spanish texts of Act No. 28 (S. B. 1113) of the 3rd Session of the 10th Legislature of the Commonwealth of Puerto Rico, entitled:

AN ACT to amend subsection (a) of Section 5, to add a new Section 10 and a new Section 11, and to redesignate Sections 10 and 11 as Sections 12 and 13 of Act No. 77 of July 9, 1986, known as the "Victims and Witnesses Protection Act", in order to establish a shelter, empower the Secretary of Justice to appoint a Director for the Protection and Assistance to Victims and Witnesses Division of the Special Investigations Bureau of the Department of Justice, and to grant the necessary administrative, operational and fiscal flexibility in order to fully comply with the responsibilities that have been entrusted to them,

and finds the same are complete, true and correct versions of each other.


Juan R. Melecio

(S.B. 1113)

(No. 28)

(Approved June 19, 1987)

AN ACT

To amend subsection (a) of Section 5, to add a new Section 10 and a new Section 11, and to redesignate Sections 10 and 11 as Sections 12 and 13 of Act No. 77 of July 9, 1986, known as the "Victims and Witnesses Protection Act", in order to establish a shelter, empower the Secretary of Justice to appoint a Director for the Protection and Assistance to Victims and Witnesses Division of the Special Investigations Bureau of the Department of Justice, and to grant the necessary administrative, operational and fiscal flexibility in order to fully comply with the responsibilities that have been entrusted to them.

STATEMENT OF MOTIVES

Act No. 77 of July 9, 1986 declared that it is the public policy of the Commonwealth of Puerto Rico to offer protection and assistance to victims and witnesses in judicial proceedings elucidated in the courts, as well as during the investigations that are carried out to promote their full cooperation and participation in those proceedings, free from intimidation.

The responsibility of executing the public policy and the provisions contained in Act No. 77 was conferred on the Department of Justice in view of the direct participation which this Department has in the investigative process and court proceedings.

In the measure that the success of the efforts carried out to achieve the prosecution of persons who are guilty of a crime depends on the courageous and determined collaboration rendered by the victims and witnesses of crimes, the Department of Justice has the unavoidable task of ensuring the peace and safety of these citizens, their family and relatives.

The Assistance to Victims and Witnesses Division has been a success in terms of the increasing demand for these services registered since it started operating.

Also, and in order to comply with the public policy stated in Act No. 77, a shelter shall be established to provide safety and protection to those who collaborate with justice. To guarantee that this facility shall be a measure to provide protection to these citizens effectively, all the necessary services shall be located and centralized in this place.

However, to diversify and facilitate the protective measures which need to be carried out with all the promptness and confidentiality that the circumstances require, it shall be endowed with the necessary administrative, operational and fiscal flexibility.

By means of this Act, the Protection and Assistance to Victims and Witnesses Division is given the autonomy that will allow it to diligently and effectively answer the call for the protection it has to offer to all of those who face the risk of being violently attacked, menaced or intimidated by the criminal and his relatives.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Subsection (a) of Section 5 of Act No. 77 of July 9, 1986, is hereby amended to read as follows:

"Section 5.- Other Protection Services

When the circumstances warrant it, the Secretary may take other emergency measures in order to protect the persons who qualify under the provisions of this Act:

(a) May acquire real estate or personal property by purchase, lease or in any other fashion and establish a shelter which shall provide safety and protection to lodge the victims, witnesses, potential witnesses and their family or relatives for the time he deems necessary."

Section 2.- A new Section 10 is hereby added to Act No. 77 of July 9, 1986 to read as follows:

"Section 10.- Administration of the Protection and Assistance to Victims and Witnesses Division.

The Secretary may appoint a Director for the Protection and Assistance to Victims and Witnesses Division, and delegate on said official the responsibility and authority to administer and to implement this Act.

The Division shall not be subjected to the provisions of Act No. 164 of July 23, 1974, as amended, known as the General Services Administration Act, nor to the provisions of Act No. 196 of August 24, 1979, as amended, known as the Purchasing, and Supplies Act.

The Division is hereby empowered to carry out those appropriate, reasonable and necessary transactions to faithfully comply with the purposes of this Act.

The Department of Justice is likewise empowered to sell, or otherwise dispose use of its real estate or personal property or of any other interest therein, which in the judgment of the Secretary of Justice, is no longer necessary or useful for its purposes.

Nevertheless, under no circumstances shall the real property be disposed of, until an appraisal of the value thereof has been made by appraisers of the Government of the Commonwealth of Puerto Rico. The approval of the Legislature of Puerto Rico shall be necessary in those cases in which the transaction is covered by Act No. 12 of December 10, 1975, as amended."

Section 3.-A new Section 11 is hereby added to Act No. 77 of July 9, 1986, to read as follows:

"Section 11.- Fiscal Flexibility

The Secretary, in coordination with the Secretary of the Treasury shall establish the necessary regulations to guarantee the flexibility and confidentiality of the fiscal matters of the Division, including the availability of funds appropriated by the Legislature."

Section 4.- Sections 10 and 11 of Act No. 77 of July 9, 1986 are hereby designated as Sections 12 and 13.

Section 5.- This Act shall take effect immediately after its approval.