

(S. B. 11)

(No. 33-2021)

(Approved August 27, 2021)

AN ACT

To amend Section 1 and add a new subsection (t) to Section 2 of Act No. 22 of April 22, 1988, as amended, known as the “Act to establish the Bill of Rights of Victims and Witnesses of Crime,” in order to clarify the public policy of the Commonwealth of Puerto Rico to provide crime victims and witnesses with protection and assistance regardless of their age, race, color, sex, physical or mental condition, political affiliation, political or religious beliefs, sexual orientation, gender identity, whether actual or perceived, socioeconomic status, social origin, national origin, citizenship or immigration status; and provide that law enforcement officers shall not inquire into the nationality or immigration status of crime victims or witnesses.

STATEMENT OF MOTIVES

Act No. 22 of April 22, 1988, as amended, known as the “Bill of Rights of Victims and Witnesses of Crimes” set forth as public policy to provide victims and witnesses with protection and assistance during judicial proceedings and investigations resulting from the commission of crimes. The aforementioned statute enshrines several rights for the purpose protecting and assisting victims and witnesses.

In accordance with the constitutional principles of equal protection of the law and that the dignity of human beings is inviolable, this measure provides that the public policy on the protection of crime victims and witnesses shall apply regardless of the age, race, color, sex, physical or mental condition, political affiliation, political or religious beliefs, sexual orientation, gender identity, whether

actual or perceived, socioeconomic status, social origin, national origin, citizenship or immigration status of the victim or witness.

Likewise, this measure takes an additional step to safeguard the rights of crime victims and witnesses regardless of their immigration status. The immigrant population participates in all aspects of our society and it is equally affected by social issues such as crime. However, many immigrants do not report instances in which they have been victim of a crime, nor do they look for help in order to seek redress for grievances, or offer information to law enforcement authorities. This is mainly because they fear such actions may have repercussions on their immigration status or place their permanent residents' status and their families' stability at risk. For such reason, this measure provides that law enforcement officers shall not inquire into the nationality or immigration status of crime victims or witnesses as an additional safeguard for the benefit of the immigrant population.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Section 1 of Act No. 22 of April 22, 1988, as amended, is hereby amended, to read as follows:

“In harmony with the public policy of the Commonwealth of Puerto Rico on providing protection and assistance to victims and witnesses during judicial proceedings and investigations carried out pursuant to Act No. 77 of July 9, 1986, as amended, the Bill of Rights of Victims and Witnesses of Crimes is hereby adopted.

For the purposes of this Act, a victim shall be deemed to be any person, regardless of age, race, color, sex, physical or mental condition, political affiliation, political or religious beliefs, sexual orientation, gender identity, whether actual or perceived, socioeconomic status, social origin, national origin, citizenship or immigration status, who suffers harm, illness, or death as a direct result of an act classified as an offense under our code of laws. A witness shall be deemed to be

any person, regardless of age, race, color, sex, physical or mental condition, political affiliation, political or religious beliefs, sexual orientation, gender identity, whether actual or perceived, socioeconomic status, social origin, national origin, citizenship or immigration status, in whose presence an act classified as an offense under our code of laws has been committed. Furthermore, a law enforcement officer shall be deemed to be any person whose duty is to protect people and property, and preserve public order and safety. The foregoing includes, but is not limited to, all members of the Puerto Rico Police Bureau and the Municipal Police, the members of the Natural and Environmental Resources Ranger Corps, the agents of the Special Investigations Bureau of the Department of Public Safety, and the Marshals of the Judicial Branch. Any state government employee with express authority to make arrests in the discharge of his duties and special responsibilities shall also be deemed to be a law enforcement officer in a limited capacity.”

Section 2.- A new subsection (t) is hereby added to Section 2 of Act No. 22 of April 22, 1988, as amended, to read as follows:

“Section 2.- Any person who is a crime victim or witness in the Commonwealth of Puerto Rico shall be entitled to:

(a)...

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(s)...

(t) Not be questioned about their nationality or immigration status when reporting the commission of a crime, during and after any stage of the criminal proceedings, or when communicating with or and/or conducting transactions with any of the agencies that comprise the criminal justice system. Provided, that in such cases, law enforcement officers, including, but not limited to, all members of the Puerto Rico Police Bureau and the Municipal Police, the members of the

Natural and Environmental Resources Ranger Corps, the agents of the Special Investigations Bureau of the Department of Public Safety, and the Marshals of the Judicial Branch, shall have an obligation to ensure that crime victims and or witnesses are provided with the appropriate services and that all of their rights are safeguarded.

It is further provided that every agency subject to this Act shall be required to offer training workshops to all their personnel. In addition, such agencies shall work together to develop educational materials directed at the entire community, which shall be made available through electronic means and in the physical facilities of each agency.”

Section 3.- This Act shall take effect upon its approval.