

(H. B. 504)

(No. 46)

(Approved February 28, 1998)

AN ACT

To amend Section 3.2 of Act No. 54 of August 15, 1989, as amended, known as the “Domestic Violence Prevention and Intervention Act”, in order to typify the crime of aggravated abuse when the same is committed against a pregnant woman.

STATEMENT OF MOTIVES

In recent years there has been an awakening in the Puerto Rican social conscience of an attitude of greater understanding, assistance and respect towards the families that are victims of domestic violence. The government’s effort, in turn, is seen in the approval of Act No. 54 of August 15, 1989, known as the “Domestic Violence Prevention and Intervention Act”, addressed to prevent and fight domestic violence in Puerto Rico.

However, the scope of domestic violence on the Island continues to be alarming. Domestic violence is one of the most complex criminal acts our society faces, which is manifested in the physical and emotional abuse of the members of the family. In Puerto Rico, 60% of married women are victims of spousal abuse. These women, at times pregnant, need all the protection the law can offer since domestic violence is a repetitive pattern that can end in tragedy.

For prevention and intervention in acts of violence, Chapter 3 of the above-cited Act No. 54, clearly and precisely describes the conduct that

constitutes domestic violence. Section 3.2 of said Act typifies the crime of “aggravated abuse”. Said section establishes that a penalty of imprisonment for a fixed term of three years shall be imposed on the person of the spouse, former spouse or the person with whom he/she cohabitates or has cohabitated or with whom a consensual relationship exists or has existed, or with whom a child has been procreated, when abuse has been incurred, as typified in the Act in the circumstances described.

Although the law provides adequate protection, we consider that additional protection should be given to pregnant women who are victims of spousal abuse. The State not only has the duty to protect women but it also has a compelling interest in protecting the potential of human life associated to a fetus. In this manner, another protective measure is provided for the victims and which could, at the same time, serve as a dissuading element for the offender.

It is the responsibility of the State to watch over the stability of the family, giving it adequate protection and assuring its safety. This measure offers a pregnant woman who is a victim of domestic violence an additional resource to defend herself, while a sense of respect for the lives of the components of the family is encouraged.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Section 3.2 of Act No. 54 of August 15 1989, as amended, is hereby amended to read as follows:

“Section 3.2.- AGGRAVATED ABUSE.-

A penalty of imprisonment for a fixed term of three (3) years shall be imposed when Abuse, as described in this Act, has been committed on the person of the spouse, former spouse or the person with whom he/she cohabitates or has cohabitated, or with whom he/she has or has had a

consensual relationship, or with whom a son or daughter has been procreated, if one or more of the following circumstances exist:

- (a)
- (b)
- (c)
- (d)
- (e)
- (f)
- (g) When child abuse is committed and simultaneously incurred; or
- (h) When committed against a pregnant woman.

If there were aggravating circumstances, the fixed penalty may be increased to a maximum of five (5) years; if there were extenuating circumstances, it may be reduced to a minimum of two (2) years.

The court may impose the penalty of restitution in addition to the established penalty of imprisonment.”

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

March 8, 1999

José A. Figueroa-Lugo, 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. 46 (H.B. 504) of the 3rd Session of the 13th Legislature of Puerto Rico, entitled:

AN ACT to amend Section 3.2 of Act No. 54 of August 15, 1989, as amended, known as the “Domestic Violence Prevention and Intervention Act”, in order to typify the crime of aggravated abuse when the same is committed against a pregnant woman,

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

José A. Figueroa-Lugo