

(S. B. 750)

(No. 53-2019)

(Approved June 21, 2019)

AN ACT

To amend Article 135 of Act No. 146-2012, as amended, known as the “Puerto Rico Penal Code,” in order to establish a fixed penalty of three (3) years to be imposed on any person guilty of sexual harassment.

STATEMENT OF MOTIVES

Article II, Section 1 of the Constitution of Puerto Rico sets forth that: “The dignity of the human being is inviolable.” One of the most demeaning ways to attack the dignity of a person is through sexual abuse and/or harassment.

In different areas of our society, some individuals use their positions of power to procure sexual favors from other persons in low-power positions. The workplace is one of the settings where this issue is most common, as persons use their positions of power to request sexual favors that otherwise would not be obtained.

Undoubtedly, sexual harassment is an abusive conduct that damages the dignity and the psychological and/or physical integrity of a person and jeopardizes such person’s job, studies, and/or professional services employment. It is utterly unacceptable conduct that must be strongly rejected. Places of work, study, or where professional services are rendered should be safe havens where persons may trust that their dignity shall not be injured and that an environment of absolute respect shall be maintained. Unfortunately, it is not always so.

Certainly, we must recognize that places of work, study, or where professional services are rendered have often become battlefields where victims are defenseless and vulnerable to constant attacks by the aggressor.

However, the time has come to send a clear message of “zero tolerance” of sexual harassment and any person who engages in such conduct shall face serious consequences. Classifying sexual harassment as a misdemeanor sends the wrong message that such conduct is not that bad. This could not be farther from the truth, given that sexual harassment is a completely demeaning conduct that should entail serious consequences for the person engaging in it. Moreover, the aggressors who engage in said conduct, within a work, educational, or service rendering relationship create an intimidating, hostile, and offensive environment for the victims, thus causing irreparable and irreversible physical and/or emotional damage that could affect them for life.

Therefore, this Legislative Assembly recognizes the need to punish by a three (3)-year fixed penalty any person guilty of sexual harassment so that aggressors face severe liabilities for engaging in said conduct. This penalty shall serve as a deterrent to address this difficult social issue.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Article 135 of Act No. 146-2012, as amended, is hereby amended to read as follows:

“Article 135.- Sexual Harassment

Any person who, within the context of a work, educational, or service rendering relationship, requests sexual favors for himself or for a third party, and submission to such conduct is made a condition of said work, educational, or service rendering relationship, or with such sexual conduct knowingly creates an intimidating, hostile, or offensive working environment for the victim, shall be punished by imprisonment for a fixed term of three (3) years.”

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