

(H. B. 517)

**(No. 56-2024)**

(Approved March 21, 2024)

**AN ACT**

To amend Section 3 of Act No. 254 of July 27, 1974, as amended, known as the “Act to Entrust the Puerto Rico Police with the Task of Issuing Criminal Record Certificates,” in order to provide for the automatic expungement of misdemeanor convictions; and for other related purposes.

**STATEMENT OF MOTIVES**

Section 16 of the Puerto Rico Penal Code of 2012 clearly defines a misdemeanor as “an offense punishable by a term of imprisonment not to exceed six (6) months, a fine not to exceed five thousand dollars (\$5,000), or home detention or community services not to exceed six (6) months. All offenses other than misdemeanors are felonies.”

Through Act No. 254 of July 27, 1974, as amended, the Legislative Assembly entrusted the Puerto Rico Police Bureau to issue criminal record certificates, mistakenly known as “good conduct certificates.” Section 3 of Act No. 254, *supra*, establishes the procedure for expunging misdemeanor convictions which requires among other things, the following:

- a) Filing an affidavit;
- b) Filing the “pertinent documents”;
- c) Payment of a \$20.00 internal revenue stamp;
- d) That six (6) months have passed from the moment the sentence was served and the person has not committed another crime during that time; and
- e) The person has a good reputation within the community

Act No. 254, *supra*, has been amended on several occasions; however, one of its most significant amendments was incorporated by Act No. 314-2004, which adjusted the issuance of the criminal record certificate to the various changes that had been made to the Penal Code of Puerto Rico at the time. Although a new Penal Code was adopted in 2012, the Statement of Motives of Act No. 314-2004 took into account the Puerto Rico correctional system's failure to achieve the successful reentry of inmates into society. Act No. 314-2004 recognizes that the improvements made to the statute concerning the criminal record certificate seek to prevent such a person's reputation from being unjustly harmed or that his or her chances of engaging in lawful and productive activities be lessened. Such improvements have also broadened the scope of the criminal record expungement process in appropriate cases.

Unfortunately, in Puerto Rico, convicts who have served their sentences continue to be victims of prejudice. Their chances of finding a job after reentering society decrease when their criminal record certificates continue to show their convictions beyond the period established therefor. The Legislative Assembly has recognized the need to strike a balance between protecting the interests of employers who deserve to know about the criminal history of a potential employee, and the pressing need of an individual who has served his or her sentence to find a job and contribute to society. This Legislative Assembly finds that these conflicting interests become more relevant in felony cases as well as in misdemeanors involving moral turpitude or conduct that is contrary to sound coexistence and public trust. There is a universal compelling interest in discouraging and eradicating these types of conduct by keeping a record of such convictions, given the serious collective and social harm resulting therefrom. However, this should not be the case for countless misdemeanors that are often mistakes of youth or lapses of judgment that harm a convict's reputation for years.

Therefore, it is in the interest of this Legislative Assembly to assist in the rehabilitation efforts of individuals convicted of misdemeanors by providing for the automatic expungement of misdemeanors, provided, that such individuals do not appear on the Registry of Persons Convicted of Sex Offenses and Child Abuse, the Registry of Persons Convicted of Corruption, or the Registry of Persons Convicted of Violations of the Domestic Abuse Prevention and Intervention Act. Moreover, it is in the interest of this Legislative Assembly to include, as part of this legislative intent, every misdemeanor classified under any Special Penal law.

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

Section 1.- Section 3 of Act No. 254 of July 27, 1974, as amended, is hereby amended to read as follows:

“Section 3.- Elimination of a Conviction—Misdemeanor.

The Commissioner of the Puerto Rico Police Bureau shall automatically expunge every misdemeanor conviction from the criminal record certificate if the following circumstances concur:

(a) Thirty (30) calendar days have passed since the sentence or adjudication has been served, and the offender has not committed any other offense during that time; and

(b) The offender does not appear on the Registry of Persons Convicted of Sex Offenses and Child Abuse, the Registry of Persons Convicted of Corruption, or the Registry of Persons Convicted of Violations of the Domestic Abuse Prevention and Intervention Act.”

Section 2.- The Department of Justice and the Puerto Rico Police Bureau shall join efforts to ensure that all convictions that comply with the provisions of Section 1 of this Act are automatically expunged from the criminal record certificate within thirty (30) days from the approval of this Act.

Section 3.- It shall be the duty of the Commissioner of the Puerto Rico Police Bureau to notify the Judicial Branch, through the Office of Court Administration, of the expungement of misdemeanor convictions from criminal record certificates it authorizes in accordance with the law, in order to limit public access to the information thereon available in the Judicial Branch's on-line database.

Section 4.- To ensure compliance with the purposes of this Act, no government agency, corporation, or instrumentality may require or use information about misdemeanors that have been expunged from the criminal record certificate to the prejudice of a citizen.

Section 5.- The Department of Justice and the Puerto Rico Police Bureau shall notify the People of the scope of this Act within sixty (60) days of its approval.

Section 6.- This Act shall take effect upon its approval.