

(H. B. 405)

(No. 60-2017)

(Approved August 1, 2017)

AN ACT

To add a new subsection (c), renumber current subsections (c), (d), (e), (f), and (g), as subsections (d), (e), (f), (g), and (h), respectively, in Subsection 2.7 of Act No. 54 of August 15, 1989, as amended, known as the “Domestic Abuse Prevention and Intervention Act,” in order to provide that once a defendant is served with notice of a protective order by a marshal of the Court where the order was granted, such marshal shall have not more than twenty-four (24) hours to personally notify such service of notice to the petitioner.

STATEMENT OF MOTIVES

Domestic abuse is a complex issue that has individual and social implications and jeopardizes the integrity of the family itself, its members, and our social coexistence.

However, to comply with our constitutional commitment to protect the life, security, and dignity of persons, the Legislative Assembly of Puerto Rico promulgated Act No. 54 of August 15, 1989, as amended, known as the “Domestic Abuse Prevention and Intervention Act,” which provided the legal framework to address this issue and provide the victims thereof with the necessary tools to safeguard their physical and emotional integrity, guarantee their safety, and protect their lives.

According to the 2014 Report on the Implementation of the Puerto Rico Domestic Abuse Prevention and Intervention Act, a summary of 25 years, published by the Women’s Advocate Office, 447,264 incidents of domestic abuse have been

reported to the Puerto Rico Police Department, as of June, 2014 since the implementation of this Act. The number of domestic abuse cases reported is alarming.

Act No. 54, *supra*, provides for the legal, civil, and criminal remedies for persons who are subject to domestic abuse behavior. The issuance of a protective order for the victim is among the remedies that such Act provides for. Such order prohibits the aggressor from entering to any place where the victim of domestic abuse is at or from approaching the victim, among other things.

Despite the fact that Act No. 54, *supra*, establishes the penalties for noncompliance with a protective order, such as the immediate arrest of the violator of such an order, it is also true that, until the aggressor or defendant is served with notice, he is unaware that an order against him has been issued, thus, he could continue to engage in such domestic abuse behavior against the victim. The problem is that once the victim or petitioner requests the protective order, such victim may be under the impression that the protections thereunder are immediately in effect, unaware of the fact that the aggressor has not been served with notice of the order prohibiting him from approaching the victim; or, vice versa, the victim may not be aware of the fact that the order is already in effect and, thus, may not take action upon the defendant's violation of such order.

Therefore, this Legislative Assembly deems it necessary to establish the requirement to notify immediately the victim or petitioner that notice of the protective order has been served in order for the petitioner to be certain that the safeguards of such an order are in effect and enable the petitioner to take any action under the Law in the event of a violation of the protective order

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- A new subsection (c) is hereby added, and current subsections (c), (d), (e), (f), and (g) are hereby renumbered as subsections (d), (e), (f), (g), and (h), respectively, in Section 2.7 of Act No. 54 of August 15, 1989, as amended, to read as follows:

“Section 2.7.- Notice to the Parties and Law Enforcement Agencies and Agencies Concerned with the Wellbeing of Minors.

...

(c) Once a defendant is served with notice by a marshal of the Court where the order was granted, such marshal shall have not more than twenty-four (24) hours to personally notify such service of notice to the petitioner.

...”.

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

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 60-2017 (H. B. 405)** of the **1st Regular Session** of the **18th Legislative Assembly of Puerto Rico**:

AN ACT to add a new subsection (c), renumber current subsections (c), (d), (e), (f), and (g), as subsections (d), (e), (f), (g), and (h), respectively, in Subsection 2.7 of Act No. 54 of August 15, 1989, as amended, known as the "Domestic Abuse Prevention and Intervention Act," in order to provide that once a defendant is served with notice of a protective order by a marshal of the Court where the order was granted, such marshal shall have not more than twenty-four (24) hours to personally notify such service of notice to the petitioner.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on this 24th day of May, 2018.

Orlando Pagán-Ramírez
Director