

(H. B. 2204)

**(No. 89-2020)**

(Approved August 4, 2020)

**AN ACT**

To amend Article 57 of Section One of Chapter II of Title III of Act No. 146-2012, as amended, known as the “Puerto Rico Penal Code,” in order to establish a limit for conversion of fines to a maximum period of ninety (90) days; and for other related purposes.

**STATEMENT OF MOTIVES**

The responsibility of the Legislative Assembly is to enact laws to protect the life, property, and safety of all Puerto Ricans. In discharging said responsibility, it must adopt penal laws that are consistent with our body of laws and state and federal case law.

Act No. 146-2012, as amended, known as the “Puerto Rico Penal Code,” is a body of rules aimed at promoting order, peace, and justice for all. The main purpose of a penal statute is to prevent the commission of offenses, impose punishment for offenses, and rehabilitate offenders. These purposes are enshrined in our supreme law, which expressly prohibits the infliction of cruel punishment. In our jurisdiction, every defendant is afforded the safeguards and legal guarantees of Due Process of Law, which is incorporated in our Rules of Criminal Procedure and the Puerto Rico Penal Code.

The Rules of Criminal Procedure are the procedural mechanism that governs criminal proceedings and prosecutions. Said Rules include constitutional guarantees such as the due process of law and equal protection of the law. Our Rules have been amended on several occasions. One of such occasions by Act No. 68-2014, which amended Rule 172 to read as follows:

Whenever a defendant is sentenced by the court to pay a fine, and such fine is not paid in accordance with this Section, the defendant shall be imprisoned for such nonpayment, and remain imprisoned one (1) day for each dollar not paid and this alternative imprisonment shall not exceed ninety (90) days. [...]

Article 57 of Act No. 146, *supra*, includes the applicable provisions relating to the conversion of fines to imprisonment. Article 57 provides that the conversion of a fine shall not exceed six (6) months of imprisonment.

Upon analyzing both statutes, we may conclude that there are inconsistencies between the Penal Code and the Rules of Criminal Procedure that must be corrected. Conversion, also referred to as alternative to imprisonment, is an undesirable but necessary element in our penal system. Said element extends the coercive power of the court, because the manner in which a sentence is to be served should not be determined by the convict. Now then, its application should be limited given its potential to violate the equal protection of the laws, since it places indigent citizens at a disadvantage.

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

Section 1.- Article 57 of Section One, Chapter II, Title III of Act No. 146-2012, as amended, known as the “Puerto Rico Penal Code,” is hereby amended to read as follows:

“Article 57.- Conversion of Fines.

If the fine or days of community service imposed were not satisfied in accordance with the aforementioned provisions, such fine or community service shall be converted to imprisonment at a rate of fifty dollars (\$50) for each day of imprisonment or for every eight (8) hours of uncompleted community service.

The offender may regain his or her liberty at any time upon satisfaction of the fine, by crediting the appropriate portion to the term of imprisonment served.

The conversion of a fine shall not exceed ninety (90) days of imprisonment.

If the fine has been imposed together with imprisonment, the alternative to imprisonment shall be in addition to the term of imprisonment.

Section 2.- Applicability.

The circumstances established in the preceding subsection shall be applied pursuant to Articles 54, 55, and 56 of Act No. 146-2012, as amended, known as the “Puerto Rico Penal Code.”

Section 3.- Severability Clause.

If any part of this Act were held to be unconstitutional by a competent court, the effect of said holding shall not affect, impair, or invalidate the remainder of this Act. The effect of said holding shall be limited to the part thus held to be unconstitutional.

Section 4.- Effectiveness.

This Act shall take effect upon its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 89-2020 (H. B. 2204)** of the 7<sup>th</sup> **Regular Session** of the 18<sup>th</sup> **Legislative Assembly of Puerto Rico**:

**AN ACT** amend Article 57 of Section One of Chapter II of Title III of Act No. 146-2012, as amended, known as the "Puerto Rico Penal Code," in order to establish a limit for conversion of fines to a maximum period of ninety (90) days; and for other related purposes.

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

In San Juan, Puerto Rico, on this 7<sup>th</sup> day of December, 2023.

Mónica Freire-Florit, Esq.  
Director