

fixed term of not more than six (6) months, or a fine not to exceed five hundred (500) dollars.

In all cases the court shall also impose the restitution penalty in addition to the established penalty.

Section 2.—This Act shall take effect ninety (90) days after its approval.

Criminal Procedure—Victims of Crimes; Special Protection
(S.B. 1493)

[No. 91]

[Approved July 13, 1988]

AN ACT

To provide for the victims of crimes against the life, corporal integrity, rape, theft, assault, all including the attempt to commit them, as well as those crimes in which the elements of intimidation, or physical as well as mental force or violence arise from the complaint or accusation, be notified when the person accused or convicted of said act is free on bail, has been granted the benefit of a suspended sentence or parole, is enjoying a pass in the community, or escapes from the institution where he is incarcerated; and that protection be granted by request of the victim in some of these circumstances,

STATEMENT OF MOTIVES

Act No. 77 of July 9, 1986 as amended, known as the "Witness and Victims Protection Act" declares as the Commonwealth's public policy the provision of protection and assistance to victims and witnesses in judicial processes being heard in the Courts, as well as during investigations, made to encourage their cooperation and participation in these processes, fully and free from intimidation.

However, it is necessary to incorporate a broader scope to the criminal justice system for a longer period of time than that comprised by the judicial process, for those victims of crimes that include elements of intimidation, force or physical as well as mental violence. These victims live in fear of being exposed to the risks

of new attacks when the aggressor is free in the community. Due to this situation, there is a need to take all pertinent measures so that the victims are notified by the Commonwealth that the person charged or convicted is free in the community on bail, has been granted a suspended sentence, is on parole, is enjoying a pass to the community, or has escaped from the institution where he is confined, and to also provide the maximum protection possible when it is so requested in cases in which he is free on bail enjoying a pass to the community, or has escaped from the institution where he is confined.

Be it enacted by the Legislature of Puerto Rico:

Section 1.—Every victim in cases of crimes against their life, or corporal integrity, or rape, theft, assault, including the attempt to commit them, as well as those crimes in which from the complaint or accusation there arise elements of intimidation, force, or physical as well as mental violence, shall be notified when the person who is charged or convicted person is free in the community due to any of the following circumstances:

- (a) He is free on bail;
- (b) has been granted a suspended sentence;
- (c) has been granted parole;
- (d) is enjoying a pass in the community; or
- (e) has escaped from the institution where he has been confined.

Section 2.—The obligation to notify mentioned in Section 1 of this Act corresponds to the Court that has set the bail or granted the suspended sentence in the cases under subsections (a) and (b), to the Parole Board and the Corrections Administration in the cases mentioned in subsection (c) and to the Corrections Administration in those mentioned in subsections (d) and (e).

In those cases where the victim is receiving the benefit of protection under Act No. 77 of July 9, 1986 as amended, known as the "Victims and Witnesses Protection Act", the obligation to notify shall fall on the Division for the Protection and Assistance of Victims and Witnesses.

Section 3.—When the victims of any of the crimes mentioned in Section 1 of this Act so request it, protection shall be given to them by the Division for Protection and Assistance of Victims and Witnesses in those cases in which the accused is free on bail, or

the convict is enjoying a pass in the community, or if he has escaped from the penal institution as long as he is outside the institution.

Section 4.—This Act shall take effect immediately after its approval.

1974 Penal Code—Amendment

(S.B. 1524)

[No. 92]

[Approved July 13, 1988]

AN ACT

To add a final paragraph to Article 216 of Act No. 115 of July 22, 1974 as amended, known as the Penal Code of the Commonwealth of Puerto Rico in order to sanction any private person who, not being a public official or employee, is found guilty of acts constituting a crime against public funds.

Be it enacted by the Legislature of Puerto Rico:

Section 1.—A final paragraph is hereby added to Article 216 of Act No. 115 of July 22, 1974 as amended,⁸⁷ to read:

“Crimes Against Public Funds

Article 216.—

Any public official or employee and any person in charge of receiving, keeping, transferring or reimbursing public funds that performs any of the following acts shall be sanctioned with imprisonment for a fixed term of six (6) years:

(a) Appropriates them in full or in part without legal authority for his own private benefit or that of another.

(b) Lends them or any portion thereof, or speculates with them or uses them for any purpose that is not legally authorized.

(c) Does not keep them in his possession until disbursement or delivery thereof by legal authority.

(d) Illegally deposits all, or any portion thereof, in any bank or with any banker or other person.

⁸⁷ 33 L.P.R.A. § 4391.

(e) Keeps any false account or makes any false entry of said funds or related to the same.

(f) Alters, forges, conceals, destroys, or obliterates any account or document related to them.

(g) Refuses or stops paying upon presentation any note, order or draft drawn by competent authority upon such public funds in his possession.

(h) Fails to transfer the same, when such transfer is required by law.

(i) Fails or refuses to deliver to any officer or other person legally authorized to receive the same, any amount of money which he is bound to deliver by law.

(j) Changes or converts public funds either into currency, paper or other coin, without legal authority.

(k) Neglects or fails to safekeep or disburse public funds as prescribed by law.

In any of the previous circumstances, if there were aggravating circumstances, the established fixed penalty shall be increased to a maximum of ten (10) years; if there were extenuating circumstances, it shall be reduced to a minimum of four (4) years.

Any person who, not being a public employee or official, is found guilty of any of the prohibited acts of the previous sections, regardless of whether he obtained personal profit or not, shall be sanctioned with the penalty provided herein.”

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

Uniform Seizure Act

(S.B. 1529)

[No. 93]

[Approved July 13, 1988]

AN ACT

To establish the Uniform Seizure Act of 1988, create the Seizure Board, establish a Special Fund, provide for the manner the seized property and the amounts that are covered into said Fund shall be used, and repeal Act No. 39 of June 4, 1960, as amended.