

(S. B. 370)

(No. 149-2019)

(Approved October 2, 2019)

AN ACT

To create the Puerto Rico “PINK Alert Enabling Act” in order to provide more mechanisms for the protection of missing or kidnapped women; establish the powers and duties of government entities; add a Subsection (h) to Section 2.03 and amend Subsection (i) of Section 2.04 of Act No. 20-2017, as amended, known as the “Puerto Rico Department of Public Safety Act,” in order to adjust it to the provisions of this Act; and for other purposes.

STATEMENT OF MOTIVES

There is still much to do in Puerto Rico for women to receive basic guarantees which are inherent to the Government framework, to wit, the Executive, Legislative, and Judicial Branches. Despite the efforts made by the State, communities, and various social organizations to protect women on equal footing with men, vindicate their rights, and guarantee the full enjoyment thereof, the end goal has not been achieved. After several decades of orientation, education, and proactive implementation by the Government of Puerto Rico, the domestic violence and misogynistic behaviors against women, which have caused so much harm in our culture, still persist.

The public debate on the vindication of women’s rights has mostly focused on the legal measures established by the State to tackle domestic violence and guarantee the validation of their labor and social rights. However, one of the most serious risks faced by women on the Island is being kidnapped. This is made clear by the number of unfortunate events consistently reported by local news media which involve a missing woman. During the last decade, the list of names of women

who are missing, victims of human trafficking, kidnapped, or found dead are too many and represent a grim precedent for our Island.

In fact, according to news reports, the Puerto Rico Police does not have an exact record of how many women have gone missing, “many of whom are presumed dead, victims of misogynistic abuse, or victims of sexual predators.”¹ It is presumed that, between 2013 and 2015, thirty (30) women were reported and remained missing, and they are believed to have been murdered in at least four (4) of the cases. In light of the current situation, many of the victims’ families have opted to publish their loved ones’ information on social media so that the community can help investigate their whereabouts.

Through Act No. 70-2008, known as the “Enabling Act for the Development of the AMBER Plan,” an alert system was implemented in our jurisdiction which is activated when a child under eighteen (18) years of age has been kidnapped or illegally deprived of his liberty. Through this alert, the public is encouraged to voluntarily participate in the search or to provide information to find the child immediately after the act takes place, in order to prevent greater misfortunes or that the child is taken outside of the local jurisdiction. To this end, the AMBER alert is activated through the radio, television, electronic billboards in public thoroughfares, and emergency broadcasting systems to disseminate information about the suspects and the victims immediately after the crime is committed.

Furthermore, Act No. 132-2009, known as the “Enabling Act for the Implementation of the SILVER Alert Plan,” established an alert system which is activated when adults over sixty (60) years of age with Alzheimer’s disease or other forms of dementia have been reported missing or their whereabouts are unknown, in

¹ *Crece el misterio por las mujeres desaparecidas* [Mystery Over Missing Women Grows], March 9, 2016, El Vocero, Miguel Rivera Puig. <http://elvocero.com/crece-el-misterio-por-las-mujeres-desaparecidas/>

order to help protect those persons with a cognitive impairment and find them as soon as possible.

In light of the foregoing, this Legislative Assembly deems it meritorious and vitally important to develop an alert system to be activated in the event a woman goes missing. In this regard, we must focus not only on measures that protect women physically, mentally and socially, but also on measures which allow them to enjoy one of the fundamental rights provided by our code of laws: the right to be free. Therefore, it is urgent to address this social problem, which conflicts with our true cultural values, by creating a “PINK Alert” system, in order to activate the protocol to be followed by public safety agencies and public entities in the event of the possible disappearance or kidnapping of a woman.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- This Act may be cited as the “PINK Plan Enabling Act.”

Section 2.- The Police Bureau of the Puerto Rico Department of Public Safety shall establish a “PINK Alert,” in order to activate the protocol to be followed by public safety agencies and public entities in the event of the possible disappearance or kidnapping of a woman eighteen (18) years of age or older. The Puerto Rico Police Bureau, within the Department of Public Safety, shall be the primary agency responsible for implementing the Alert. Said protocol shall include the Women’s Advocate Office, the municipal police, the Department of Transportation and Public Works, as well as any other state, federal or municipal entity, or private company, and any medium of communication may voluntarily participate and join in this collaborative effort.

The Police Bureau, in conjunction with the Women’s Advocate Office, shall determine whether or not to activate the protocol.

Section 3.- The following criteria shall be met before activating the PINK Alert:

- (1) The person shall be a woman eighteen (18) years of age or older who, based on the facts reported to the Puerto Rico Police Bureau and her circumstances, could be understood to be missing or kidnapped;
- (2) the citizen who alerts the Puerto Rico Police Bureau about the disappearance of such person, must attest to the conditions and circumstances by which he understands that the woman is missing or has been kidnapped; and
- (3) the Puerto Rico Police Bureau has determined that the account offered meets the aforementioned requirements and understands that the woman is missing or has been kidnapped.

The foregoing notwithstanding, the Puerto Rico Police Bureau shall evaluate whether the circumstances surrounding the possible kidnapping or disappearance of the woman indicate that she is in danger of death or in danger of receiving serious bodily harm, and shall determine if activating the Alert could put the victim at a greater risk. If deemed appropriate, the Puerto Rico Police Bureau, in conjunction with the Women's Advocate Office, may issue a public alert.

Section 4.- The Puerto Rico Police Bureau shall designate a coordinating committee for the PINK Alert, which shall issue standards, rules, or regulations as are necessary to fully comply with this Act.

Section 5.- The Commissioner of the Puerto Rico Police Bureau is hereby designated to disclose the standards, rules, or regulations established to issue the PINK Alert. The Women's Advocate shall disseminate the information through informative brochures, conferences, public service announcements on radio and television stations that voluntarily want to participate, and through nonprofit and community-based organizations that support women.

Section 6.- A new Subsection (h) is hereby added to Section 2.03 of Act No. 20-2017, as amended, known as the “Puerto Rico Department of Public Safety Act,” to read as follows:

“Section 2.03.- Definitions.

For purposes of this Chapter, the following terms shall have the meanings set forth below, unless the context clearly states otherwise:

(a) ...

(h) PINK Alert.- means the Alert issued to manage cases of women eighteen (18) years of age or older, who are suspected of being missing or kidnapped.”

Section 7.- Severability Clause.

If any clause, paragraph, article, section, or part of this Act were held to be void or unconstitutional by a competent court, the ruling, holding, or judgment to such effect shall not affect, impair, or invalidate the remainder of this Act. The effect of said holding shall be limited to the clause, paragraph, article, section, or part of this Act thus held to be void or unconstitutional.

Section 8.- This Act shall take effect upon its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 149-2019 (S. B. 370)** of the **6th Regular Session** of the **18th Legislative Assembly of Puerto Rico**:

AN ACT create the Puerto Rico “PINK Alert Enabling Act” in order to provide more mechanisms for the protection of missing or kidnapped women; establish the powers and duties of government entities; add a Subsection (h) to Section 2.03 and amend Subsection (i) of Section 2.04 of Act No. 20-2017, as amended, known as the “Puerto Rico Department of Public Safety Act,” in order to adjust it to the provisions of this Act; and for other purposes.

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

In San Juan, Puerto Rico, on this 18th day of April, 2022.

Mónica Freire-Florit, Esq.
Director