

(H. B. 2606)

(No. 157-2020)

(Approved December 28, 2020)

AN ACT

To amend Article 93 of Act No. 146-2012, as amended, known as the “Puerto Rico Penal Code,” to include additional circumstances that shall constitute first degree murder when the victim is a woman; direct the Department of Justice in conjunction with the Puerto Rico Police Bureau and the Forensic Science Institute of Puerto Rico to adopt an investigation protocol for violent killings of women in order to offer guidelines for carrying out an efficient criminal investigation; and for other related purposes.

STATEMENT OF MOTIVES

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Article 93 of Act No. 146-2012, as amended, known as the “Puerto Rico Penal Code,” is hereby amended to read as follows:

“Article 93.- Degrees of Murder.

The following shall constitute first degree murder:

(a) ...

(e) Any murder where the victim is a woman and, in the commission of the crime the following circumstances occur: (1) Attempts to establish or reestablish a romantic or intimate relationship with the victim; or (2) has or has had a family, conjugal, cohabitating, intimate, or dating relationship with the victim; or (3) is the result of the repeated violence against the victim; (4) there is a criminal record of any type of domestic violence or stalking against the victim.

Any other death of a human being caused recklessly constitutes second degree murder.”

Section 2.- Protocol for Cases Involving Violent Killings of Women.

The Department of Justice, in conjunction with the Puerto Rico Police Bureau and the Forensic Science Institute of Puerto Rico, shall develop an investigation protocol for cases involving violent deaths of women and may use the Latin American Model Protocol for the Investigation of Gender-related Killings of Women prepared by the Regional United Nations Office of the High Commissioner for Human Rights (OHCHR) and any other recognized guidelines on the matter. The protocol shall be ready on or before one hundred and twenty (120) days after the approval of this Act and may be modified as necessary.

Section 3.- Collection and Management of Statistics

The Puerto Rico Institute of Statistics in conjunction with the Puerto Rico Police Bureau, the Department of Health, and the Institute of Forensic Science of Puerto Rico shall establish a statistical data collection and management system on violent killings of women in Puerto Rico. This system shall be ready on or before one hundred and eighty (180) days after the approval of this Act. Statistical data shall be public and be updated on a monthly basis as of the establishment of the data collection system.

Section 4.- Severability.

If any clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act were held to be null or unconstitutional, the judgment, holding, or ruling to such effect shall not affect, impair, or invalidate the remainder of this Act. The effect of said judgment shall be limited to the clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act thus held to be null or unconstitutional.

Section 5.- Effectiveness.

This Act shall take effect immediately after its approval.