

(H.B. 2475)

(No. 163)

(Approved August 12, 2000)

AN ACT

To amend subsection (g) of Section 2 of Act No. 22 of April 22, 1988, as amended, known as the "Bill of Rights of Victims and Witnesses of Crimes", so that the Corrections Administration may inform any person who qualifies for protection under the provisions of Act No. 77 of July 9, 1986, as amended, as to the date on which the convict responsible for the crime shall be released into the community; to establish the duties of the correctional officers and officials; appoint "Liaison Officials for Victims and Witnesses of Crimes" at every correctional institution, and provide that any failure to comply with this Act shall not be grounds for initiating a cause of action against the Government, its officials, agents or employees, but shall entail disciplinary sanctions against the official, agent or employee who fails in his or her duty to so notify.

STATEMENT OF MOTIVES

At present subsection (g) of Section 2 of Act No. 22 of April 22, 1988, as amended, known as the "Bill of Rights of Victims and Witnesses of Crimes", establishes that any person who is victim or witness of a crime in Puerto Rico shall be entitled to be notified of any procedures conducted after sentencing. However, said legal provision imposes on the victim or witness of the crime the burden of obtaining the information from the pertinent authorities. In view of this, the truth is that the persons qualified to receive protection under the provisions of Act No. 77 of July 9, 1986, as amended,

known as the "Victims and Witnesses Protection Act", have great difficulty in finding out the date on which the convict was released into the community. That is one of the most important facts and of the greatest interest for these people, since as of that date they must reinforce their safety measures so as to avoid any type of reprisal from the person who committed the crime. As a matter of fact, the victims of crimes have great difficulty in obtaining post-sentencing information since they don't often know at which institution the person responsible for the crime was committed or which key person is able to provide the information, among other factors.

The Legislature of Puerto Rico believes that the purpose of the Bill of Rights of Victims and Witnesses in Puerto Rico is most efficiently served by creating the position of Liaison Official for Victims and Witnesses of Crimes, which is primarily the responsibility of the Corrections Administration. With a simple phone call the liaison official for victims and witnesses of crimes shall contact the victim and the witnesses of the crime to notify him or her that their offender is due to be released. This process may help to prevent the commission of other crimes due to reprisals as well to protect the victims and witnesses of crimes.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-Subsection (g) of Section 2 of Act No. 22 of April 22, 1988, as amended, is hereby amended to read as follows:

"Section 2.-Bill of Rights

Any person who qualifies for protection under the provisions of Act No. 77 of July 9, 1986, as amended, in the Commonwealth of Puerto Rico shall be entitled to:

(a) ...

- (b) ...
- (c) ...
- (d) ...
- (e) ...
- (f) ...

(g) Be notified of the development of the investigation, proceedings and sentencing of the person responsible for the crime; to be consulted prior to settling a complaint or accusation of against the author of the crime and to be informed of the procedures after the sentencing when the victim or the witness so requests from the Puerto Rico Police, the Special Investigation Bureau and the Department of Justice. The Puerto Rico Police shall be responsible for furnishing all the necessary information so that the Corrections Administration may be able to comply with the provisions of this Act and notify the victims and witnesses of a crime. Provided, that in those cases in which the person responsible for the crime is released on probation, on parole, or under electronic supervision, or if residing in a Halfway House or if he or she has been granted a suspended sentence, the Corrections Administration must previously notify the victims and witnesses of the crime of that fact."

Section 2.-The Deputy Administrator for Programs and Services of the Corrections Administration shall designate the officials that shall be in charge of complying with the provisions of Section 2 of Act No. 22 of April 22, 1988, as amended. Said officials shall be known as "Liaison Officials for Victims and Witnesses of Crimes". Provided, that any failure to comply with this Act shall not be grounds for initiating a cause of action against the Government, its officials, agents or employees, but shall entail disciplinary

sanctions against the official, agent or employee who fails in his or her duty to so notify.

Section 3.-The Corrections Administration, the Department of Justice and the Puerto Rico Police shall approve, amend and repeal any rule or regulation that may be necessary to comply with the purposes of this Act, pursuant to Act No. No. 170 of August 12, 1988, as amended.

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

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 163 (H.B. 2475) of the 7th Session of the 13th Legislature of Puerto Rico:

AN ACT to amend subsection (g) of Section 2 of Act No. 22 of April 22, 1988, as amended, known as the "Bill of Rights of Victims and Witnesses of Crimes", so that the Corrections Administration may inform any person who qualifies for protection under the provisions of Act No. 77 of July 9, 1986, as amended, as to the date on which the convict responsible for the crime shall be released into the community; to establish the duties of the correctional officers and officials; etc.,

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

In San Juan, Puerto Rico, today 1st of December of 2003.

Elba Rosa Rodríguez-Fuentes
Director