



LEGISLATURE OF PUERTO RICO

*Office of Legislative Services*

November 30, 1998

José A. Figueroa-Lugo, Director of the Office of Legislative Services of the Legislature of Puerto Rico, hereby certifies to the Secretary of State that he has duly compared the English and Spanish texts of Act No. 184 (H.B. 1686) of the 3rd Session of the 13th Legislature of Puerto Rico, entitled:

**AN ACT** to add a second paragraph to Section 1 of Act No. 77 of July 9, 1986, as amended, known as the "Witnesses and Victims Protection Act"; and to add Sections 2A and 2B to Act No. 22 of April 22, 1988, as amended, known as the "Victims and Witnesses' Bill of Rights" in order to set forth the public policy regarding minors who are victims and witnesses of a crime or offense; and to establish a Bill of Rights for Minors who are Victims and Witnesses,

and finds the same are complete, true and correct versions of each other.

José A. Figueroa-Lugo

(H. B. 1686)

**(No. 184)**

(Approved July 29, 1998)

## **AN ACT**

To add a second paragraph to Section 1 of Act No. 77 of July 9, 1986, as amended, known as the "Witnesses and Victims Protection Act"; and to add Sections 2A and 2B to Act No. 22 of April 22, 1988, as amended, known as the "Victims and Witnesses' Bill of Rights" in order to set forth the public policy regarding minors who are victims and witnesses of a crime or offense; and to establish a Bill of Rights for Minors who are Victims and Witnesses.

### **STATEMENT OF MOTIVES**

The Bill of Rights of Victims and Witnesses of Crimes, adopted through Act No. 22 of April 22, 1988, as amended, reaffirms the public policy of protection and assistance to victims and witnesses in investigations and judicial procedures. This responsibility is established in Act No. 77 of July 9, 1986, as amended, known as the "Witnesses and Victims Protection Act", approved with the purpose of harmonizing the rights of the accused vis a vis the interest to safeguard the well-being and integrity of the victim or a greater effectiveness of the criminal justice system, since it promotes and fosters their cooperation in the investigation and prosecution.

The responsibility of executing the public policy and the provisions contained in the abovementioned Act No. 77, was conferred to the Department of Justice, given its powers and the direct participation in the investigative process and judicial procedure. The protection and assistance is directed to every natural

and juridical person whether a victim or a witness, without any distinction whatsoever, that is, it comprises adults as well as minors. However, the Legislature deems that it is necessary to make a specific statement in the case of minors who are victims or witnesses to a crime or offense. This, as part of the prevailing public policy to protect minors, and in attention to the increase in the number of cases in which they are victims or witnesses. This Act shall contribute to expedite the process, and above all, to create the needed awareness to handle these cases and to see to the welfare of minors.

**BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:**

Section 1.- A second paragraph is hereby added to Section 1 of Act No. 77 of July 9, 1986, as amended, to read as follows:

"Section 1.- Statement of Public Policy

In the case of minors who are victims and witnesses to a crime or offense, it shall always be our intention to make them feel supported and protected throughout the different stages of the judicial procedures. Given the fact that in the last decade the number of cases in which minors are victims or witnesses of crimes or offenses has increased, and that the investigation which concerns them tends to be more complex and entails a great number of human resources, it is necessary to establish the most rigorous interagency coordination and the greatest flexibility possible in order to reduce any psychological trauma that said procedures may cause to them, as well as to take protective measures to prevent them from feeling intimidated in the course of the same. In this manner, we shall not only promote their participation in the judicial procedures but we shall also ensure that they shall feel supported and protected during the entire process".

Section 2.- Section 2A is hereby added to Act No. 22 of April 22, 1988, as amended, to read as follows:

"Section 2A - Bill of Rights of Minors, Minors with Disabilities and/or Impairments

In addition to the rights listed in Section 2 of this Act, every victim or witness to a crime or offense under eighteen (18) years of age and every person who has a disability or mental retardation, shall have the following rights:

- (a) Shall not be exposed to experiences that could cause serious consequences to his/her mental and emotional health.
- (b) Offer, when the circumstances justify it, their testimony through available alternate means, whether in open court, through a closed circuit television system or by a deposition recorded on video tape, or any reliable recording system.
- (c) Shall be accompanied in court by support personnel that may be a relative or person close to him/her, counselor or technical personnel of the program or a competent professional, while giving testimony.
- (d) In the course of the procedures, the court shall see to the welfare of the minor, giving priority in its calendar, to the procedures in which they are the victims or witnesses of crimes or offenses and shall avoid long hours of testimony without recess."

Section 3.- Section 2B is hereby added to Act No. 22 of April 22, 1988, as amended, to read as follows:

"Section 2B.- Victims and Witnesses Assistance Technicians

In order to implement the public policy established in this Act, the Victims and Witnesses Assistance Division is hereby created, attached to the Office of the

Deputy Secretary of Criminal, Minors and Family Affairs; and attached to the Special Investigations Bureau of the Department of Justice, the Victims and Witnesses Protection and Assistance Division. The Victims and Witnesses Assistance Program shall also render its services through the Victims and Witnesses Assistance Technicians and other support personnel, appointed by the Secretary of Justice, who shall have the duty to provide guidance and support services to the victims or witnesses of a crime in accordance to their needs and the available financial resources. In the case of minors who are victims or witnesses to a crime, this personnel shall act as support personnel and shall accompany them through all the phases of the judicial process and procedures incidental to the same, in order to provide them emotional support and to ensure their welfare."

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