



LEGISLATURE OF PUERTO RICO

Office of Legislative Services

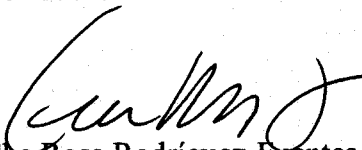
CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 205 (S.B. 2260) of the 5th Session of the 14th Legislature of Puerto Rico:

AN ACT to establish the “Code Adam” security protocol for the prevention of child abductions and to guarantee the safety of children in public buildings, and to repeal Act No. 30 of January 16, 2002,

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

In San Juan, Puerto Rico, today 30th of August of 2004.


Elba Rosa Rodríguez-Fuentes
Director

(S. B. 2260)

(No. 205)

(Approved August 28, 2003)

AN ACT

To establish the "Code Adam" security protocol for the prevention of child abductions and to guarantee the safety of children in public buildings, and to repeal Act No. 30 of January 16, 2002.

STATEMENT OF MOTIVES

In 1981, Adam Walsh, a six-year old boy, was murdered after being abducted from a shopping center in the state of Florida. This crime has not yet been solved, but his parents, with the help of the private sector and the government, and inspired by the memory of their son, have taken upon themselves the task of preventing that other families should have to suffer a similar tragedy.

In their awareness that providing safety for minors is the duty of all members of the community, the major United States commercial chains in Puerto Rico established in 1993 a protocol known as "Code Adam," which is a safety procedure to locate the whereabouts of a child who has been kidnapped or who is simply lost in a commercial establishment.

John and Reve Walsh—Adam's parents—have strived for all stores and public places to adopt this protocol; but unfortunately, this idea has not had the expected support. Action by some states of the North American Nation has been limited to approving resolutions that suggest that private businesses adopt this program, which was established about eight years ago. In addition, John Walsh has undertaken other initiatives to fight crime, and is

the creator and host of the American television program "America's Most Wanted," whose purpose is to take fugitives off the streets thus preventing these persons from committing further crimes, and to make them pay their debt to society.

Unfortunately, our children have fallen victim to this terrible social malady. We have notorious cases such as the case of newborn Odalys Cruz Maldonado, who was abducted on July 12, 1998, from Ryder Memorial Hospital in Humacao and found three months later, when officers Heriberto Rivera Ruiz and Wanda Ilarraza found the kidnapper and recovered the baby girl. On the other hand, the case of Rolandito Salas Jusino, missing since July 7, 1999, has not yet been solved, but his parents as well as the people of Puerto Rico still hope for his return.

The Legislature of the Commonwealth of Puerto Rico recognizes the compelling interest and the obligation of every government to ensure the health and protection of all its citizens, principally of the children, who are defenseless souls on which criminal minds prey, and without any scruples abuse them or deprive them of the most recognized right throughout the world—the right to live. Therefore, this protocol is hereby adopted, and ordered to be implemented in all public buildings, as this term is defined in the present measure; and the Secretary of the Department of the Family, the Chief of the Puerto Rico Fire Corps, the Superintendent of the Puerto Rico Police, and the administrators of public buildings are hereby empowered to take the necessary measures in order to expedite compliance therewith.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- This Act shall be known as the "Code Adam Act."

Section 2.- For the purposes of this Act, the following terms shall have the meaning stated below:

(a) 'Building' means and includes those structures that house offices, dependencies or facilities of the Government of the Commonwealth of Puerto Rico, including municipalities, public instrumentalities and corporations, and the courts of justice of the Commonwealth of Puerto Rico.

(b) 'Minor' means any individual who has not yet reached eighteen (18) years of age.

Section 3.-

(1) The 'Code Adam' security protocol is hereby established, which all public building administrators shall implement as follows: when a parent, tutor or person in charge of a child notifies to any employee working in the building that his/her child is missing, the employee shall obtain a detailed description of the minor from the parent, tutor or person in charge of the child, including but not limited to the name, age, color of eyes, height, weight, and clothing, particularly the shoes.

- (a) That same employee, from the nearest phone, shall notify through the public address system, or any other speedy and effective means of communication, in the event the public address system is out of order, that 'Code Adam' has been activated; provide a detailed description of the minor with the data provided by the parent, tutor, or person in charge; and give the telephone or extension number from which the announcement is being made.
- (b) The employee shall escort the parent, tutor, or person in charge to the main entrance of the building to assist in identifying the minor.
- (c) Persons designated by the administrator shall watch all the exits of the building to ensure that the minor does not leave

the building without being accompanied by his/her parent, tutor, or person in charge. In addition, two or more employees, as deemed necessary, shall be assigned to search the parking areas of the building. This shall not entail the closing of any of the entrances to the building.

- (d) At the exits of the building, all persons ready to leave the building accompanied by a minor shall be asked to go to the main exit previously designated by the administrator. If after reaching the main exit they insist on leaving the building, they shall be allowed to do so after it is determined that no minor leaving the building is the child being sought, and the presumed parent, tutor, or person in charge presents an official identification with a photograph issued by the Commonwealth of Puerto Rico, or a driver's license with a photograph from any state of the Union, or a passport with a photograph issued by any other government.
- (e) After having announced a 'Code Adam' through the loudspeakers or any other speedy and effective means of communication, in the event the public address system of the building is out of order, employees shall search the entire building and two or more employees shall be designated, as deemed necessary, to each floor and shall certify that the minor is not there. Those employees dealing with the public or those excluded previously by the administrator shall not be under the obligation to engage in the search.
- (f) If the minor is not found within a period of ten (10) minutes from the time the information is received by an employee, a

9-1-1 call shall be placed and the situation notified so that security or state emergency personnel immediately come to the building.

- (g) If the minor is found unharmed and seems to have been lost in the building, he/she shall be immediately handed to the parent, tutor, or person in charge. If the child is found in the company of a person other than his/her parent, tutor, or person in charge, the most reasonable means shall be used to keep said person from leaving the building until a Puerto Rico Police officer arrives and said person is duly identified.
- (h) When the procedure is completed, notice of the cancellation of 'Code Adam' shall be given through the public address system, and the administrator shall draft a report on the incident, which shall be kept in the administrative files for a period of three (3) years.

(2) The Secretary of the Department of the Family, the Fire Chief of the Puerto Rico Fire Corps, and the Superintendent of the Puerto Rico Police shall be responsible for coordinating the implementation of 'Code Adam,' for which they shall adopt and promulgate the necessary regulations, including but not limited to providing the necessary training to the administrators of all buildings for them to implement the same. Likewise, they shall promote the implementation of this security protocol in buildings or structures housing private businesses or entities frequently visited by children.

The Secretaries of Agencies, Administrators, Office Directors, and Presidents of the Public Corporations of the Commonwealth of Puerto Rico, shall print 12" by 12" signs with a purple background and white lettering,

according to the design adopted by the Secretary of the Department of the Family, who shall in turn determine the content of the signs, chargeable to the general budgets of their respective agencies, and the signs shall be distributed to all public dependencies, agencies, and offices of the Commonwealth of Puerto Rico, to be posted in a visible place at each entrance of the building.

Those public agencies, departments, offices or dependencies that due to their small structure and the nature of the services they offer the citizens are not visited by children, as well as the institutions that house fire stations and any others that are no visited by minors or whose presence in them is caused by special circumstances, shall be excluded from complying with this Act, upon the determination through Regulations issued by the Secretary of the Department of the Family, the Chief of the Fire Corps, and the Superintendent of the Puerto Rico Police.

The Secretary of the Department of the Family, the Chief of the Fire Corps, and the Superintendent of the Puerto Rico Police shall direct that an annual drill be conducted at each of the facilities. Said officials shall compile the statistics on the cases of minors lost in public buildings and render an annual report on the implementation of this Act to the Governor and the Legislature of the Commonwealth of Puerto Rico.”

Section 4.- Act No. 30 of January 16, 2002, which amended Act No. 342 of December 16, 1999, as amended, known as the “Act for the Safeguarding of Minors in the 21st Century” is hereby repealed to establish the “Code Adam” protocol.

Section 5.- This Act shall take effect immediately after its approval. For such purpose, the Secretary of the Department of the Family, the Chief of the Fire Corps of Puerto Rico, and the Superintendent of the Puerto Rico

Police shall adopt the necessary regulations to implement the provisions established herein within a term that shall not exceed one hundred eighty (180) days from the date of effectiveness of this Act. Until the approval of said regulations, the regulations that were approved by virtue of Act No. 30 of January 16, 2002, shall remain in effect.