

(H. B. 1697)

(No. 221)

(Approved August 9, 2008)

AN ACT

To add a new Section 4.3, redesignate Section 4.3 as Section 4.4, and amend Section 4.4 as redesignated of Act No. 54 of August 15, 1989, as amended, known as the “Domestic Violence Prevention and Intervention Act,” in order to incorporate in the Criminal Justice Information System a Substitute Address Register for Victims of Domestic Violence for the purpose of protecting the life and safety of victims and their families, thus promoting the development and establishment of strategies to prevent domestic violence.

STATEMENT OF MOTIVES

The public policy of the Government of Puerto Rico is to guarantee full development and respect of the human rights of all persons while exercising and enjoying their fundamental freedoms, and to protect citizens and the victims of any criminal act.

Domestic violence is one of the most complex offenses faced by any society. In addition to being the result of inequities between men and women, it is also an antisocial behavior that not only involves physical abuse, but also emotional suffering for the person who has been the victim of a violent act.

Act No. 54 of August 15, 1989, as amended, defines domestic violence as “a constant pattern of conduct involving physical force or psychological violence, intimidation or persecution against a person by his/her spouse, former spouse, a person with whom he/she cohabits, or has cohabited, with whom he/she has, or has had a consensual relationship, or a

person with whom a son or daughter has been procreated, to cause physical harm to their self, their property, or another's self, or to cause him/her grave emotional harm.”

Reports of the Division of Statistics of the Puerto Rico Police on domestic violence incidents show that such incidents have been increasing throughout the years. By the year 2002, 20,048 incidents were reported, in a preliminary report prepared during 2003, 21,164 incidents were reported, and by October 31, 2004, 17,522 incidents of domestic violence had been reported.

A society that strives for more freedom, equal rights and social wellbeing, shall put emphasis at addressing the difficulties and consequences arising from domestic abuse, particularly with respect to women and children, so as to preserve their physical and emotional integrity, seek their safety and save their lives. We are all affected by domestic violence when a family endures an abusive situation, because many victims attempt to escape this pattern of conduct by establishing a new address in order to prevent their aggressors from finding them.

Public records provide countless opportunities to locate the address of a person, to wit: the driver's license and the voter registration card. These identifications allow for the location of addresses that may be easily accessed by aggressors of domestic violence victims, especially in these modern times, where technological advances and a quick search over the Internet are within the reach of almost every citizen.

In view of the consequences of any conduct constituting domestic violence within Puerto Rican families, the interest of the Legislature of Puerto Rico is to join efforts and purposes by the public and the private sectors, the Puerto Rico Police, the Courts, Assistance professionals, and the

general community. Thus, this problem may be faced by focusing our attention not only on its violent and criminal nature, but also on designing service programs to address the needs of affected family members. Furthermore, it is of utmost importance to establish protective measures and strategies for the prevention of domestic violence.

For all of the above, this Legislature deems it necessary to guarantee and prevent, to the extent possible, those actions that may lead to further domestic violence. The passing of this measure is a step forward in the fight to protect our citizens from domestic violence aggressors, thus ensuring a better quality of life for Puerto Rican families, particularly for women and children who are victims of domestic abuse.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- To add a new Section 4.3 and redesignate Section 4.3 as Section 4.4, respectively, in Act No. 54 of August 15, 1989, as amended, to read as follows:

“Section 4.3.— Substitute Address Register.—

The Criminal Justice Information System shall incorporate the creation of a Substitute Address Register for Victims of Domestic Violence for the purpose of establishing strategies and protecting the victims, by enabling government agencies and instrumentalities to respond to requests for public records without disclosing the location or address of domestic violence victims so as to protect them from their aggressors.

This substitute address shall be used as the home, work or school address, as the case may be, of the participant in the Register or his/her children, to receive mail as established by maximum size and weight, according to the regulations adopted to such purposes. The substitute address designated for a Register participant shall have no relation whatsoever with the actual home address of the domestic violence victim.

The organization of the Substitute Address Register for Victims of Domestic Violence shall provide this protection to any resident of Puerto Rico regardless of his/her address of origin. Furthermore, such protection shall be reciprocal for any domestic abuse victim who has established his/her residency in Puerto Rico or who, for such reason, has moved to another jurisdiction.

In addition to the substitute address, all other addresses of the participating victim shall be subject to confidentiality of communications established by this Act.”

Section 2.- Section 4.4, as redesignated, of Act No. 54 of August 15, 1989, as amended, is hereby amended to read as follows:

“Section 4.4.—Collaboration of Government Agencies.—

The departments, offices, bureaus, commissions, boards, administrations, councils, public corporations and their subsidiaries, and all other agencies and instrumentalities of the Commonwealth of Puerto Rico are hereby authorized to provide to the Criminal Justice Information System, support services and resources as necessary to carry out and comply with the duties and functions assigned thereto by this Act. Furthermore, such government entities are hereby authorized to provide any necessary support to the Criminal Justice Information System. Such authority shall be exercised subject to the legal provisions that govern said public agencies.”

Section 3.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 221 (H. B. 1697)** of the **7th Session of the 15th Legislature** of Puerto Rico:

AN ACT to add a new Section 4.3, redesignate Section 4.3 as Section 4.4, and amend Section 4.4 as redesignated of Act No. 54 of August 15, 1989, as amended, known as the “Domestic Violence Prevention and Intervention Act,” in order to incorporate in the Criminal Justice Information System a Substitute Address Register for Victims of Domestic Violence for the purpose of protecting the life and safety of victims and their families, thus promoting the development and establishment of strategies to prevent domestic violence.

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

In San Juan, Puerto Rico, today 13th of November of 2009.

Solange I. De Lahongrais, Esq.
Director