

(S. B. 441)

(No. 229-2014)

(Approved December 19, 2014)

AN ACT

To amend subsection (e) and add a new subsection (f) to Section 2.6 of Chapter II of Act No. 54 of August 15, 1989, as amended, known as the “Domestic Abuse Prevention and Intervention Act,” in order to make a correction to said Section, thereby restoring the text that was inadvertently eliminated by a subsequent amending Act.

STATEMENT OF MOTIVES

A public policy to assertively repudiate domestic violence was established in Puerto Rico through the approval of Act No. 54 of August 15, 1989, as amended, known as the “Domestic Abuse Prevention and Intervention Act.” The basis for the adoption of this policy was that domestic violence is contrary to the values of peace, dignity, and respect that the People of Puerto Rico wish to keep in their families. Likewise, the aforementioned legislation fosters the development, establishment, and strengthening of actual remedies to offer protection and assistance to domestic violence victims.

Act No. 193-2011 was approved for this exact reason. Said Act amended Act No. 54, *supra*, by adding a new subsection (e) to Section 2.6 in order to attach to every protective order issued to the petitioners or domestic violence victims an information sheet which shall include the precautionary measures to be taken by the petitioner of such order to increase its effectiveness. The precautionary measures include delivering a copy of the protective order to the State or Municipal Police Stations closest to the person’s home; at the controlled-access entrance of the victim’s place of residence; to the closest neighbors; at the victim’s workplace; and at the children’s school.

Act No. 156-2012 also amended Act No. 54, *supra*, by adding a new subsection (e) to Section 2.6 authorizing the Judicial Branch to require the aggressor, upon the issuance of a protective order and under certain circumstances, to attend an educational program or workshop on the scope of this Act. The purpose of the foregoing is to prevent conduct that constitutes domestic violence as well as to raise his awareness of the negative impact thereof on the families in general. Although the provisions proposed and subsequently approved are meritorious, necessary, and consistent with the public policy of the Commonwealth of Puerto Rico of promoting domestic violence prevention and intervention, there was no actual intent to eliminate the provisions of Act No. 193-2011, which is exactly what occurred when subsection (e) was reintroduced into Section 2.6 of Act No. 54, *supra*, also essential to ensure the effectiveness of protective orders and the protection of domestic violence victims.

For all of the foregoing, the Legislative Assembly deems it critical to correct the text of Section 2.6 of Act No. 54 *supra*, to incorporate both initiatives that shall inure to the benefit of domestic violence victims. This shall ensure that all parties concerned with the safety of domestic violence victims who petitioned a protective order are apprised of the issuance of said order, while allowing for aggressors to receive treatment approved by the Women's Advocate Office, consistent with the public policy established in Act No. 54, *supra*.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Subsection (e) is hereby amended and a new subsection (f) is hereby added to Section 2.6 of Chapter II of Act No. 54 of August 15, 1989, as amended, to read as follows:

“CHAPTER II

PROTECTIVE ORDERS AND PROCEDURAL ASPECTS

Section 2.1.- Protective Orders.-

...

Section 2.6.- Contents of the Protective Order.-

(a) Every protective order shall specifically state the determinations of the Court, the remedies prescribed, and the term of its effectiveness.

(b) ...

(c) ...

(d) ...

(e) Enclosed with every protective order, the Court shall include recommended guidelines on the precautionary measures to be taken by the domestic violence victim to increase the effectiveness thereof. These guidelines shall include the following recommendations, among others:

1. To advise the victim to notify and furnish a copy of the Protective Order, as well as a photograph of the aggressor or the respondent on the order, to the following:

a. to the State and Municipal Police Stations closest to the victim's home;

b. at the controlled-access entrances of the victim's gated community, to facilitate the identification of the aggressor or respondent on the protective order;

c. to the victim's closest neighbors;

d. at the victim's workplace, to apprise the security personnel therein of the issuance of said order;

e. at the school of the victim's children, to avoid that a meeting is called where both the victim and the respondent, or the parent against whom the order was issued, have to be present at the same time.

2. Furthermore, the petitioner shall be advised that, at all times, they must:

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

Given that this is a voluntary provision, noncompliance with this measure shall not constitute a violation of any Act whatsoever or a transfer of responsibility to the victim. In addition to the provisions set forth herein, the Court may include any other as deemed pertinent.

(f) Upon hearing the evidence presented, or upon petition by the Prosecutor, the Court shall have discretion to impose as an additional condition to the petition for a Protective Order, the mandatory participation of the respondent in an educational program or workshop, whether public or private, about the scope of this Act to prevent him from engaging in conduct constituting a domestic violence crime, and to raise his awareness on the harmful effect of said conduct on the family. The Court shall order and establish the same as part of the provisions to be complied with, upon issuance of a Protective Order. Said program or workshop shall be taken within the period of effectiveness of the Order. The duration of the program shall not be less than thirty (30) hours. The respondent shall provide the Court with proof of having enrolled in a program or workshop for said purpose within three (3)

business days from the date notice of the Protective Order has been served. Upon the expiration of the Order, the respondent shall provide the Court with proof of compliance with said program or workshop.

Provided, that if the effectiveness of the Protective Order has expired and the respondent has failed to provide the Court with notice and proof of compliance with said provision, such person may be found in contempt of court for noncompliance with the provisions of the protective order. Whenever more than one (1) Protective Order has been issued against a respondent by the same or another petitioner, and said fact is known or has been brought to the attention of the Court, the Court shall order his mandatory enrollment in a program or workshop on domestic violence.

The Court shall impose on the respondent the payment of the costs of the program or workshop, if any. When said person proves his inability to defray the costs of the program or workshop, the respondent shall be imposed community service hours to pay for the cost of the program or workshop.

The educational programs or workshops on the scope of protective orders, as well as all other conduct constituting domestic violence and its harmful effects on the family, among other topics, shall be reviewed and developed in conjunction with the Women's Advocate Office and the Regulatory Board for the Reeducation and Retraining Programs for Aggressors.”

Section 2.- The Women's Advocate Office shall modify or draft regulations as appropriate to comply with the provisions of this Act within forty-five (45) days as of the effective date thereof.

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. 229-2014 (S. B. 441)** of the **4th Regular Session** of the **17th Legislative Assembly of Puerto Rico**:

AN ACT to amend subsection (e) and add a new subsection (f) to Section 2.6 of Chapter II of Act No. 54 of August 15, 1989, as amended, known as the “Domestic Abuse Prevention and Intervention Act,” in order to make a correction to said Section, thereby restoring the text that was inadvertently eliminated by a subsequent amending Act.

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

In San Juan, Puerto Rico, on this 9th day of August, 2019.

Orlando Pagán-Ramírez
Director