

(S. B. 26)

(No. 282-2018)

(Approved December 29, 2018)

AN ACT

To add a subsection (s) to Section 2.04 of Act No. 20-2017, as amended, known as the “Puerto Rico Department of Public Safety Act”; amend Section 17 of Act No. 23-2011, as amended, known as the “Pawnbroking Business and Operations Regulatory Act”; amend Section 5 of Act No. 18 of September 21, 1983, as amended, known as the “Purchase and Sale of Precious Metals and Stones Regulation Act”; in order to establish the Stolen Items Electronic Database; establish the responsibility of the Puerto Rico Police Bureau to maintain and update the Database with the information collected from complaints of stolen items; establish the responsibility of pawnbroking businesses holding a license to operate issued in accordance with the provisions of Act No. 23-2011, *supra*, and of any buyer holding a license to buy precious metals and stones issued in accordance with Act No. 18, *supra*, to provide information about any item bought or accepted for pawn by them; and for other related purposes.

STATEMENT OF MOTIVES

According to the data of the Puerto Rico Police Bureau, three thousand two hundred and one (3,201) thefts, and twenty-three thousand one hundred sixty-three (23,163) unlawful takings were reported in 2016, which had a million-dollar impact on the victims of these crimes. The government’s efforts to prevent these crimes are certainly recognized, however, we must identify new ways to combat them.

The intent behind most thefts and unlawful takings is to sell the items and obtain money in exchange therefrom. Some people attempt to sell or pawn the stolen items at pawnshops and businesses engaged in the sale and purchase of precious metals and stones.

Even though Act No. 23-2011, as amended, known as the “Pawnbroking Business and Operations Regulatory Act,” was enacted as part of the commitment of this Legislative Assembly of Puerto Rico to “[...] protecting citizens, addressing the stolen property issue, and demanding Pawnbroking Businesses’ compliance with applicable Commonwealth and Federal laws,” there is always room for improvement.

For such reason, the Stolen Items Electronic Database is created which shall serve as a useful tool for the Puerto Rico Police Bureau to fight these types of crimes and solve any cases related thereto. The Puerto Rico Police Bureau shall have the responsibility to maintain and update the Database with the information collected from complaints of stolen items and to compare such information with that furnished by pawnshops holding a license to operate in accordance with the provisions of Act No. 23-211, *supra*, and the information of any buyer holding a license to buy precious metals and stones issued in accordance with Act No. 18 of September 21, 1983, *supra*, about any item bought or accepted for pawn by them.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- A new subsection (s) is hereby added to Section 2.04 of Act No. 20-2017, as amended, to read as follows:

“Section 2.04.- Commissioner of the Bureau; Powers and Duties.

The Commissioner of the Puerto Rico Police Bureau shall have the following powers and duties:

(a) To ensure observance of due process of law in every regulatory and adjudicative matter in the Puerto Rico Police Bureau.

(b) ...

...

(s) To establish and defray the cost of the Stolen Items Electronic Database which shall be updated on a weekly basis with the information on stolen

items from the Puerto Rico Police Regions as well as those that have been reported through the filing of a complaint to such effects. Provided, that the Commissioner may provide through regulations the form in which the database shall operate and compare the information received through filed complaints with the information furnished by pawnshops holding a license to operate issued in accordance with the provisions of Act No. 23-2011, as amended, known as the ‘Pawnbroking Business and Operations Regulatory Act,’ and any buyer holding a license to buy precious metals and stones issued in accordance with Act No. 18 of September 21, 1983, as amended, known as the ‘Purchase and Sale of Precious Metals and Stones Regulation Act.’ The information furnished by pawnshops and buyers of precious metals and stones shall include a description of every item bought or accepted as pawn by them. Pawnshops and buyers of precious metals and stones shall have access to the Database to the extent necessary to enter the information herein provided.

Likewise, the regulation shall provide that the personnel of the Puerto Rico Police Bureau shall visit pawnshops and buyers of precious metals and stones every week for the purposes of verifying that the information they send through the Stolen Items Electronic Database shows the total items that these have bought or accepted as pawn.”

Section 2.- Section 17 of Act No. 23-2011, as amended, is hereby amended to read as follows:

“Section 17.- Duties.

(a) Any person who operates a pawnbroking business shall:

(1) ...

(27) Electronically send on a daily basis the required information of every item bought and/or accepted as pawn to the Stolen Items Electronic Database of the Puerto Rico Police Bureau, as established in subsection (s) of Section 2.04

of Act No. 20-2017, as amended, known as the ‘Puerto Rico Department of Public Safety Act,’ and the applicable regulations.”

Section 3.- Section 5 of Act No. 18 of September 21, 1983, as amended, is hereby amended to read as follows:

“Section 5.- Registries.

Every buyer of precious metals or precious stones shall keep in his principal office, or place of business, a registry in Spanish or English stating in writing, in a clear way, a description of each transaction or purchase of precious metals or precious stones he carries out. The registry shall include the following information:

(a) The name of the buyer or of his employee or agent who makes the purchase.

(b) The name, address, and age of the vendor, verified by the buyer through the appropriate identification.

(c) The place, date, and time of purchase.

(d) A complete description of the purchased article including the type and weight of the precious metal or stone purchased. The description shall also include any name, letter, mark or engraving it may have, or which may identify the article to be purchased.

(e) Purchase price.

(f) Market price at the time of purchase.

(g) Original source of acquisition verified by a receipt or bill, or by having the seller explain the origin of the precious stone or precious metal by a sworn or written statement, duly identifying the object being sold. Every buyer shall provide the seller with a receipt stating the price for which he acquires the precious metal or precious stone, which must be signed by both. A copy of the receipt shall be included permanently in the registry which this Act requires.

Every buyer shall be required to electronically send on a daily basis the required information of every item bought and/or accepted as pawn to the Stolen Items Electronic Database of the Puerto Rico Police Bureau, as established in subsection (s) of Section 2.04 of Act No. 20-2017, as amended, known as the ‘Puerto Rico Department of Public Safety Act,’ and the applicable regulations.”

Section 4.- The Office of the Commissioner of Financial Institutions, as part of its duties to regulate the operations of the pawnbroking businesses, and the Department of the Treasury, as part of its duties to regulate the license of buyer of precious metals and stones, may request the Puerto Rico Police Bureau to be granted access to the Stolen Items Electronic Database when deemed necessary to carry out its duties.

Section 5.- The Commissioner of the Puerto Rico Police Bureau, through a General Order, shall establish within a term of ninety (90) days, which information shall be included in the Stolen Items Electronic Database. Moreover, the Commissioner shall establish that the Police Regions must forward the information regarding the complaints filed for stolen items. The Property Division of the Puerto Rico Police Bureau shall be responsible for receiving the information from the pawnshops and the buyers of precious metals and stones, and comparing it with the information regarding the complaints for stolen items.

Section 6.- The Secretary of the Department of Public Safety of Puerto Rico, the Commissioner of the Puerto Rico Police Bureau, the Secretary of the Treasury, and the Commissioner of Financial Institutions are hereby empowered to promulgate any type of regulations as are necessary to comply with the provisions of this Act.

Section 7.- This Act shall take effect one hundred eighty days (180) after its approval.