

(H. B. 3894)

**(No. 305-2012)**

(Approved December 21, 2012)

## **AN ACT**

To amend subsection (c) of Section 2.7 of Act No. 54 of August 15, 1989, as amended, known as the “Domestic Abuse Prevention and Intervention Act,” in order to include in the notice to the parties and law enforcement agencies the duty to enter the information contained in a restraining order issued by the courts in the Domestic Abuse and Stalking Restraining Orders Electronic File.

### **STATEMENT OF MOTIVES**

Domestic violence is an evil that corrodes one of the most important pillars of our society: the family. Thousands of people annually seek government assistance in order to put an end to the violence wheel and start their lives anew, assuring their safety and that of their family.

In Puerto Rico, Act No. 54 of August 15, 1989, as amended, known as the “Domestic Abuse Prevention and Intervention Act,” establishes all protections of law available to victims of this type of antisocial behavior. Among other things, this Act provides for the criminal prosecution of abusers, as well as for provisional remedies such as restraining orders issued by the court.

However, regardless of the existence of the aforementioned resources, it is a well-known fact that the restraining order’s notice and filing processes in the current system have not been the most efficient due to prevailing communication problems between the agencies entrusted with the implementation of intervention protocols. Also, there is no evidence of the information included in the File regarding procedural incidents or those subsequent to the notice that represents a serious danger to the victims and a setback for authorities.

At present, each restraining order is notified to the parties and law enforcement agencies by the Office of the Clerk of Court as provided by law. After giving notice, the Office of the Clerk also has the duty to send a copy of all restraining orders issued to the Police office in charge of keeping records of the same. Act No. 420-2000, known as the “Restraining Orders Electronic File Act,” provides that said resources shall be filed electronically in order to guarantee the safety of citizens against acts or behavior constituting domestic violence and stalking.

In view of the need to definitely establish the restraining order register in electronic format, this Legislative Assembly deems it imperative to direct that every restraining order shall be filed by the agency keeping the same once the order is issued by the Office of the Clerk. The safety and wellbeing of the citizenry are a priority, especially that of the victims of domestic violence; therefore, providing the agencies involved with tools and additional responsibilities that shall enable them to effectively fulfill their duties and to further the public policy of the Government of Puerto Rico.

***BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:***

Section 1.- Subsection (c) of Section 2.7 of Act No. 54 of August 15, 1989, as amended, is hereby amended to read as follows:

“Section 2.7.- Notification to the parties and law enforcement agencies and of the wellbeing of minors.-

(a) ...

(b) ...

(c) The Office of the Clerk of Court shall send copies of the orders issued under this Act to the Police branch in charge of keeping a record of protection orders thus issued. Likewise, the Office of the Clerk of Court shall send a copy of said orders to be entered in the Domestic Abuse and Stalking Restraining Orders

Electronic File, in accordance with the procedures established in Act No. 420-2000, known as the 'Restraining Orders Electronic File Act'. Pursuant to Act No. 420-2000, the Police shall include all the information contained in the restraining order, as well as any procedural incidents regarding the notice to the parties and agencies involved.

(d) ...

(e) ...”

Section 2.- This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 305-2012 (H. B. 3894)** of the **5<sup>th</sup> Special Session** of the **16<sup>th</sup> Legislative Assembly of Puerto Rico**:

**AN ACT** to amend subsection (c) of Section 2.7 of Act No. 54 of August 15, 1989, as amended, known as the “Domestic Abuse Prevention and Intervention Act,” in order to include in the notice to the parties and law enforcement agencies the duty to enter the information contained in a restraining order issued by the courts in the Domestic Abuse and Stalking Restraining Orders Electronic File.

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

In San Juan, Puerto Rico, on this 29<sup>th</sup> day of March, 2016.

Juan Luis Martínez Martínez  
Director