

(S.B. 2728)

(No. 318)

(Approved September 15, 2004)

AN ACT

To amend subsection (a) of Section 2 and subsections (A) and (B) of Section 9a of Act No. 221 of May 15, 1948, as amended, which authorizes certain games of chance to incorporate in said Act 221 the prohibition of the games of chance and the crimes that were typified in Section 299, 300, 301, 302, 303 and 304 of the Penal Code of 1902 which were temporarily in effect with the approval of the Penal Code of 1974 and were repealed with the adoption of the Penal Code of the Commonwealth of Puerto Rico of 2004.

STATEMENT OF MOTIVES

This is one of several amendments to the laws affected by the approval of the new Penal Code of the Commonwealth of Puerto Rico, which at the same time repeals the Penal Code now in effect approved through Act No. 115 of July 22, 1974.

It is imperative that the penal code of laws as a whole be adjusted so that when the new Penal Code is introduced said code of laws may achieve uniformity.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-Subsection (a) of Section 2 of Act No. 221 of May 15, 1948, as amended, is hereby amended to read as follows:

“Section 2.-Any person who plays, takes part in, establishes, opens, prompts the opening of, or directs, as principal or employee, through lease or

otherwise, any game of faro, monte, roulette, fan tan, poker, seven-up, twenty-one, hokey pokey or any game of chance played with cards, dice or of any other kind, for money, checks, credit or chips representing value, as well as any person who plays or bets in favor of or against of any of said prohibited games shall incur a misdemeanor.

However, the games of chance of roulette, craps, cards and bingo are hereby authorized in gambling rooms operated under a license issued according to the terms of this Act, subject to the conditions and limitations thereof and the regulations prescribed thereunder.

... .”

Section 2.-The last paragraph of subsection (A) and subsection (B) of Section 9a of Act No. 221 of May 15, 1948, as amended, are hereby amended to read as follows:

“Section 9a.-Sanctions

(A) ...

Any person who violates any of the provisions described in this Section shall be guilty of a felony in the fourth degree.

(B) Any person who obstructs the filing of an accusation for any of the aforementioned crimes shall incur a misdemeanor.”

Section 3.-Effectiveness. This Act shall take effect when the Penal Code of the Commonwealth of Puerto Rico of 2004 becomes effective.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 318 (S.B. 2728) of the 7th Session of the 14th Legislature of Puerto Rico:

AN ACT to amend subsection (a) of Section 2 and subsections (A) and (B) of Section 9a of Act No. 221 of May 15, 1948, as amended, which authorizes certain games of chance to incorporate in said Act 221 the prohibition of the games of chance and the crimes that were typified in Section 299, 300, 301, 302, 303 and 304 of the Penal Code of 1902 which were temporarily in effect with the approval of the Penal Code of 1974 and were repealed with the adoption of the Penal Code of the Commonwealth of Puerto Rico of 2004,

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

In San Juan, Puerto Rico, today 23rd of November of 2005.

Francisco J. Domenech
Director