

(H. B. 3160)
(Conference)

(No. 394)

(Approved September 8, 2000)

AN ACT

To amend subsections (a) and (b) of Section 3, amend subsection (a) of Section 4, add a subsection (d) to Section (8) and amend Section 16 of Act No. 284 of August 21, 1999, known as the “Act Against Stalking in Puerto Rico,” to correct the scope of the definition of stalking for purposes of said Act, to broaden the scope of the provisions on restraining orders, and to amend the forms that are part of the legislation.

STATEMENT OF MOTIVES

Act No. 284 of August 21, 1999, “Act Against Stalking in Puerto Rico,” typifies stalking as a pattern of conduct through which a specific person is constantly or repeatedly watched by another; unwanted written and oral communications are sent repeatedly to a specific person; repeated written, verbal or implicit threats are sent, repeated acts of vandalism are directed to a specific person; repeated harassment through words, gestures or actions intended to disturb, pursue or annoy the victim or members of his/her family. The constant behavior pattern must also occur uninterruptedly for a period of time of not less than fifteen minutes.

Regarding this last point, it is worth mentioning that the time factor is not necessarily part of the behavior pattern typified as stalking. Therefore, it is important to clarify the meaning of constant or repeated pattern of conduct

and eliminate the period of time from the actions that constitute said pattern of behavior.

On the other hand, Act No. 284, *supra*, shall be attuned to the provisions of the federal statute known as Violent Crime Control and Law Enforcement Act of 1994, which in its Title IV, Section 40131-40611 (42 U.S.C. §13931-14040, Violence Against Women Act) establishes the mechanisms to face the countless domestic violence, sexual, stalking, harassment, and persecution crimes, which affect women of all races, social, ethnic and financial condition in the United States. Therefore, it is necessary to amend the Act Against Stalking, so that the content of the restraining orders forms contain the necessary information to enforce the full faith and credit of the clauses of the federal legislation.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Subsections (a) and (b) of Section 3 of Act No. 284 of August 21, 1999, are hereby amended, to read as follows:

“Section 3.- Definitions

.....

- (a) “Stalking”.- means a pattern of behavior of vigilance, over a person unwanted verbal or written communications are sent repeatedly to a specific person; written, verbal or implicit threats are made against a specific person: repeated acts of vandalism are directed to a specific person; repeated harassment through words, gestures or actions intended to intimidate, threaten or pursue the victim or members of his/her family.
- (b) “Persistent Behavior Pattern”.- means to make in two (2) or more occasions acts that show the intentional purpose of intimidating a specific person or his/her family members.

.....”

Section 2.- Subsection (a) of Section 4 of Act No. 284 of August 21, 1999, is hereby amended to read as follows:

“Section 4.- Delinquent Conduct; Penalties.-

(a) Any person who intentionally shows a persistent behavior pattern of stalking addressed to intimidate a specific person to the effect that said person or any member of his/her family could suffer personal or property damage; or that maintains that pattern of conduct, knowing that a certain person could reasonably feel intimidated, shall incur a misdemeanor and shall be punished by imprisonment for a fixed term of twelve (12) months. If there were extenuating circumstances, the penalty could be reduced to a term of not less than nine (9) months, and if there were aggravating circumstances, the penalty could be increased to eighteen (18) months.

.....”

Section 3.- Subsection (d) is hereby added to Section 8 of Act No. 284 of August 21, 1999, to read as follows:

“Section 8.—Contents of the Restraining Order.—

.....

(c) All restraining orders shall meet the requirements established by Sections 2261, 2261A, 2262, and 2265 of the Violence Against Women Act (V.A.W.A.), Title IV, P.L. 103-322 of the Violent Crime Control and Law Enforcement Act, including the requirements of due process of law to the defendant. All restraining orders shall establish that it shall be effective in any jurisdiction of the United States; provided that a violation to the

same may result in arrest in any jurisdiction of the United States and that it shall be included in the “Restraining Orders Registry.”

Section 4.- Section 16 of Act No. 284 of August 21, 1999, is hereby amended to read as follows:

“Section 16.- Forms

The forms provided by the clerks of the courts of justice to the persons that request a restraining order, shall be designed in such a way that the information, circumstances, and data contained in the models included herein, may be consigned or declared. Said forms shall be available in Spanish and English to comply with the requirements established by Sections 2261, 2261A, 2262, and 2265 of the Violence Against Women Act (V.A.W.A.) Title IV, P.L. 103-322 of the Violent Crime Control and Law Enforcement Act. However, the Office of Court Administration may modify them when it deems convenient, in order to achieve the purposes of this Act.

.....”

Section 5.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 394 (H.B. 3160) (Conference) of the 7th Session of the 13th Legislature of Puerto Rico:

AN ACT to amend subsections (a) and (b) of Section 3, amend subsection (a) of Section 4, add a subsection (d) to Section (8) and amend Section 16 of Act No. 284 of August 21, 1999, known as the “Act Against Stalking in Puerto Rico,” to correct the scope of the definition of stalking for purposes of said Act, to broaden the scope of the provisions on restraining orders, and to amend the forms that are part of the legislation,

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

In San Juan, Puerto Rico, today 11th of February of 2005.

Luis Fusté-Lacourt
Director