«español»

"Puerto Rico Penal Code"

Act No. 146 of July 30, 2012, as amended.

(Contains amendments incorporated by:
Act No. 10 of April 26, 2013
Act No. 124 of October 23, 2013
Act No. 27 of February 15, 2014
Act No. 68 of June 24, 2014
Act No. 138 of August 12, 2014
Act No. 8 of February 26, 2016
Act No. 27 of May 19, 2017
Act No. 113 of November 15, 2017
Act No. 34 of January 21, 2018
Act No. 92 of April 17, 2018
Act No. 53 of June 21, 2019
Act No. 67 of July 19, 2019
Act No. 65 of July 13, 2020
Act No. 89 of August 4, 2020
Act No. 157 of December 28, 2020
Act No. 159 of December 28, 2020
Act No. 30 of June 7, 2022
Act No. 13 of January 10, 2024
Act No. 47 of February 19, 2024
Act No. 123 of August 2, 2024
Act No. 137 of August 8, 2024
Act No. 75 of July 24, 2025)

[Amendments non-incorporated:
Act No. 246 of December 26, 2014 *(amended and added many Sects.)*
Act No. 34 of August 27, 2021 *(amended Sect. 61)*
Act No. 40 of August 27, 2021 *(amended Sect. 93)*
Act No. 76 of August 24, 2022 *(amended Arts. 58, 80, 182, 191, 252, 259, 261, 262, 263 and 264)*
Act No. 85 of October 11, 2022 *(amended Sect. 308)*
Act No. 71 of May 6, 2024 *(added a new Sect. 208-A)*
Act No. 85 of May 28, 2024 *(amended Sect. 308)*
Act No. 108 of July 23, 2024 *(amended Sects. 14; 124; 130; 131; 133; 146; 148; and 160)*
Act No. 120 of October 29, 2025 *(amended Sect. 32)*
Act No. 121 of October 29, 2025 *(amended Sect. 108)*
Act No. 141 of December 5, 2025 *(amended Sect. 32)*
Act No. 143 of December 5, 2025 *(added a new Sect. 179A)*
Act No. 166 of December 19, 2025 *(amended Sects. 92, 93 and 100)*
Act No. 167 of December 19, 2025 *(amended Sect. 204)*
Act No. 18 of February 11, 2026 *(amended Sect. 92)]*

To adopt the Puerto Rico Penal Code and repeal the current Code adopted under Act No. 149-2004, as amended; to provide for the application and effectiveness of its provisions; and for other purposes.

STATEMENT OF MOTIVES

The responsibility of the Legislative Assembly under the Constitution is to protect the life, property, and safety of all members of society. In discharging said constitutional responsibility, it must take the necessary measures to prevent, control, and reduce criminal activity.

The formulation of penal laws is an ongoing process that responds to the social circumstances of a particular time in history. According to Criminal Law theory, a Penal Code must be a clear and genuine reflection of the values of the society for which it is enacted. It must be realistic, consistent with the times, and comprehensive and flexible enough to be effective in the foreseeable future. It must also be susceptible to adjustments, so that it may adapt to changing circumstances, as they arise. As stated in the Penal Reform of 1974, the Penal Code cannot be at the service of minorities or cater to the personal or individual whim of certain people. It must inevitably comport to the consensus reached by all sectors and stakeholders and be construed as broadly and coherently as practicable.

With the approval of Act No. 149-2004, as amended, a new Penal Code was established in our jurisdiction. This new legislation repealed the Penal Code of 1974. Although its incalculable value was recognized, for it was the result of several decades of study by multiple criminal law scholars, the fact that it failed to establish a precise and articulate criminological foundation, incorporate the penological trends of the times, and that it upheld provisions that were inserted into our body of laws but had originated from abroad, and thus conflicted with our legal tradition and culture, were among the reasons that led to its repeal. See, Statement of Motives, Act No. 149-2004 of June 18, 2004.

Furthermore, its most concerning aspect and, another reason for repealing it, was that the Penal Code of 1974 established unreasonable punishments that were not proportionate to the severity of the offense, as well as the wide gap between the sentence imposed and the time actually served by the convicted person. Id. Therefore, the Penal Code of 2004, was approved for the purpose of individually preventing the commission of offenses through the reintegration of the inmate once they have been rehabilitated, and to serve as a general instrument of prevention through the affirmation of our values. Id.

It is recognized that the Penal Code of 2004 was a legitimate effort to revise our penal laws. However, even the Legislative Assembly, which passed Act No. 149-2004, recognized that said statute was defective since its inception. As a result, Act No. 338-2004 was enacted immediately thereafter to address the punishment for offenses against the person, thus creating a new classification for the severe second-degree felony and increasing the penalty of imprisonment it carries. The Statement of Motives of Act No. 338-2004, supra, provides that even though the penalties established in the new code were appropriate for the offenses classified therein, it was appropriate to establish a higher penalty for offenses that show a clear disregard for the life, welfare, and safety of other human beings.

Moreover, the Penal Code of 2004 was criticized since its enactment because it was no longer a practical work tool for judges, prosecutors, attorneys, and law enforcement officers who are the ones charged with its implementation. Several articles of the Code of 2004 were described as excessively and unnecessarily complex. It was also pointed out that newly incorporated articles in the General Part were a codification of the continental theory of crime from foreign jurisdictions, as in the case of the Penal Code of 1974, both of which are inconsistent with our law tradition and are the result of highly criticized doctrine supported by a minority.

Due process requires the Legislative Assembly to establish rules that clearly and accurately define prohibited conducts in order to uphold the principle of legality. Based on said principle, several prevailing aspects of the Penal Code of 2004 were subject to critical scrutiny, to wit:

(1) The preservation of legal concepts that lack application parameters and the inclusion of new complex and vague rules that, in practice, placed criminal investigations and prosecution bodies at a disadvantage, leaving them without intervention mechanisms to meet the reasonable doubt standard guaranteed by the presumption of innocence.

(2) As for the principles that govern the imposition of penal sanctions, the rules relating to the application of punishment were one of the main concerns addressed by Penal Code of 2004. The Penal Code of 2004 provided for the punishments to be adjusted to the reduced level being served in prison. Rather than revising the method whereby credit was applied by the corrections system, the Code reduced most of the punishments to be imposed for the various classified offenses and replaced it with a degree-based system in which punishment is proportionate to the severity of the offense. What this new system actually did was to absorb the "automatic" credit that led to the repeal of the Penal Code of 1974.

The evidence presented by different witnesses to the Legislative Assembly's Standing Joint Committee on Ongoing Review of the Penal Code and on Special Penal Law Reform at public hearings, strongly suggests, that throughout the effective period of the Penal Code of 2004, the new degree-based system, that is, the length of sentence, did not promote uniformity in sentencing, thus resulting in the imposition of different punishments for the same offenses.

(3) The introduction of a new criminal law theory in our legal system. This doctrine is based on ascribing liability according to the dangerousness of the offense in endangering or harming a protected legal interest. Thus, the offense took center stage in the punitive approach to crime. This doctrine contrasts with the one in effect through 2004, which focuses on the principle of subjectivity. Under this principle, criminal liability is based on the knowledge of the unlawfulness of the act and the individual's willingness to engage in criminal conduct.

It is a well-known fact in the criminology field that a sudden change in the ideology and dogmatics of Criminal Law theory requires the making of practical alterations that affect the administration of the government's policy. We cannot overlook the fact that the Penal Code has a direct bearing on all bodies that comprise the criminal justice system, which, in turn, requires changing institutional, regulatory, and operational policies as well as making individual as systematical modifications. Moreover, it also requires a change in the attitude of all system operators from the direct service rendering level to the middle- and senior-level management.

The ideas contained in the statement of substantive law require making changes that not only affect the basic knowledge of the principles that support the measures drafted by lawmakers, but also require assimilation and acceptance of the new model. The inconsistency between a statute and its practical application may reflect badly on our code of laws as well as on the public's perception of impunity and a lack of public safety. In fact, this has been a recurring argument against the Penal Code of 2004, given the court's mistaken decisions, the investigative bodies' frustration due to the lack of legal mechanisms to facilitate the institution and continuation of criminal proceedings, and the unfortunate practice of crime victims taking the law into their own hands. These situations have led to the people developing a lack of sensibility and an increased tolerance to crime. Furthermore, citizens are unwilling to cooperate with, and disrespect, reject, and disobey law enforcement authorities. All of this reveals distrust in the administration of justice, which requires immediate legislative action.

Lastly, the question as to whether the Penal Code of 2004 is truly a socially useful tool to fight crime —which is a matter of great concern for the citizens— has been raised since its adoption and throughout its effective period. This prompted the Legislative Assembly to begin an analysis process through the holding Public Hearings whereby it heard the testimonies of various public and private sector stakeholders about the effectiveness of the Penal Code. It also received the remarks and advise of Criminal Law scholars and conducted a thorough analysis, which included the various penal reforms, the provisions of the Penal Code of 1974 and the Penal Code of 2004, as well as the case law and legal literature on the subject.

The mission of the State is to strike a balance between the guarantees afforded to the State and to individuals, thus preventing impunity from prevailing over individual guarantees or vice versa. Therefore, the Legislative Assembly deems it necessary to makes fundamental changes, particularly to the philosophy on which the Penal Code of 2004 is based, which has resulted in leniency toward convicted offenders thereby upsetting the principle of procedural equality that must prevail in the administration of criminal justice. Thus, we introduce the Penal Code of 2012, which is the result of an analysis of the values of today's society and whose purpose is, among others, to safeguard legal interests that warrant protection.

This new Code has been conformed to the special statutes relating to the administration of justice. It has also redefined and included new legal concepts to conform them to the rulings of the Supreme Court of Puerto Rico and the Supreme Court of the United States in interpreting constitutional guarantees.

The provisions of prior Penal Codes that are still relevant to our current society were incorporated into the new Penal Code, inadequate provisions were improved, and new offenses and punishments, which are consistent with our current social reality, were included. Thus, the Code focuses on protecting crime victims by including concepts such as the battered woman syndrome, providing that the victim's consent does not exclude criminal liability, and establishing mitigating circumstances that impose on the victim some degree of liability.

With regard to criminal liability, the Code is consistent with our Constitution, which elevates to constitutional rank the rehabilitative nature of punishment, by providing in Section 19 of Article VI, that penal institutions shall provide "for adequate treatment of delinquents in order to make possible their moral and social rehabilitation"; that "cruel and unusual punishments shall not be inflicted," and that "fines shall not be excessive," Sections 11 and 12 of Article II of the Constitution of the Commonwealth of Puerto Rico. Thus, the Code recognizes as fundamental

principles that criminal punishment shall not infringe upon human dignity and the moral and social rehabilitation of the offender as a general objective for the imposition of penalties.

Furthermore, the Code recognizes and safeguards the right of offenders to fair punishment for the offense, particularly when their conduct affects the orderly administration of justice and interferes with fundamental rights. The Code pays special attention to ensuring public trust by imposing on public officials and employees the duty of integrity in the performance of duty and by providing for their dismissal as punishment when they violate the law while discharging their public duties.

In conclusion, this legislative measure is the result of many years of study and analysis as well as the collaboration and feedback of various criminal law experts, scholars, and stakeholders, which includes agencies of the Government of Puerto Rico such as the Department of Justice, as well as other entities, such as the Legal Aid Society, whose experience in bringing criminal matters before the Courts of Law and collaboration has been invaluable during the analysis of this legislation. This legislative measure constitutes a legitimate effort to reformulate our penal law as an efficient instrument for the administration of criminal justice and to restore public trust in the judicial system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

BOOK ONE — GENERAL PART

TITLE I — OF PENAL LAW

CHAPTER I — OF THE PRINCIPLES OF THE APPLICATION OF THE PENAL LAW

SECTION ONE — **Title and Principles of Applicability**

Section 1. — Title and Applicability of the Act.

This Act shall be known as the Puerto Rico Penal Code.

The principles contained in Book One of General Part of this Code shall apply to the conduct regulated under other penal laws, unless such other penal laws specifically provide otherwise.

Section 2. — Principle of Legality.

No criminal action shall be brought against any person for the commission of an act that is not expressly defined as an offense under this Code or a special law, nor shall any punishment or security measure be imposed other than that prescribed by law prior to the commission of the act.

No offense, security measure, or punishment shall be created or imposed by analogy.

Section 3. — Territorial Applicability of the Penal Law. *[Note: Act No. 246-2014 amended Sect. 3(a) and 3(b), but the official translation is not available. Please consult the Spanish version]*

The penal law of Puerto Rico shall apply to any offense committed or attempted within the territorial limits of the Commonwealth of Puerto Rico.

Territorial limits shall mean the land, water, and air space subject to the jurisdiction of the Commonwealth of Puerto Rico.

Notwithstanding the foregoing, the penal law of Puerto Rico shall apply outside of the territorial limits of the Commonwealth of Puerto Rico in any of the following cases:

(a) When the result of the offense occurs outside of Puerto Rico, when the act in furtherance of the offense occurs within its territorial limits.

(b) When the act in furtherance of the offense occurs outside of Puerto Rico and the results of the offense occur within its territorial limits.

(c) When an offense is committed or attempted by a public official or employee or a person executing orders of the latter, when the conduct constitutes a failure to perform the duties or functions of his or her office or undertake a task.

(d) Genocide or crimes against humanity, as defined in this Code.

(e) Offenses to be tried in Puerto Rico in accordance with treaties or agreements ratified by the United States of America.

Section 4. — Application of the Most Favorable Law Principle.

The applicable penal law shall be that which was in full force and effect at the time of the commission of the act.

The penal law has a retroactive effect as to that which is most favorable to the defendant. Consequently, the following rules shall apply:

(a) If the law in effect at the time of the commission of the offense is different from that which is in full force and effect at the time the defendant is prosecuted or at the time of imposition of sentence, the most lenient law shall always be applied.

(b) If during the time the person is serving a sentence, a more lenient law as to the punishment or manner in which the sentence is served becomes effective, it shall be applied retroactively.

(c) If, while a person is serving a sentence, a law that repeals the offense becomes effective, or the Supreme Court issues an opinion decriminalizing the act, the punishment shall be remitted and the person released, if he was incarcerated or restrained of liberty.

In these cases, the effect of the new law or the new court ruling shall operate as a matter of law.

Section 5. — Temporary Statute.

A temporary penal statute shall apply to acts committed during its effective period of effectiveness, even if said statute is subsequently repealed, except as otherwise provided by law.

Section 6. — Principle of Personal Liability. *[Note: Act No. 246-2014 amended Sect. 6, but the official translation is not available. Please consult the Spanish version]*

Criminal liability is personal.

The victim's consent does not relieve a person of criminal liability.

Personal relationships, circumstances, and qualities that increase or decrease the punishment shall only affect the person concerned.

Section 7. — Causal Relationship. *[Note: Act No. 246-2014 amended Sect. 7, but the official translation is not available. Please consult the Spanish version]*

No person shall be punished for an act defined as an offense in a penal statute if the criminal conduct is not a result of such person's act or omission.

Failure to perform an act as to which a duty of performance is imposed by law, is tantamount to performing.

Section 8. — Principle of Criminal Liability.

A person shall not be guilty of an offense prescribed in a penal statute, unless such person has acted with the culpable mental states defined in this Code.

The criminal liability requirement is based on an objective analysis of the severity of the harm caused and the degree of culpability attached to the unlawful conduct of the principal.

Section 9. — Principle of Special Provisions. *[Note: Act No. 246-2014 amended Sect. 9, but the official translation is not available. Please consult the Spanish version]*

If different criminal provisions regulate the same matter, special provisions shall prevail over general provisions.

Section 10. — Judicial Principle.

The punishment or security measure shall be imposed exclusively by a sentence of a court.

Section 11. — Governing Principles on Imposition of Punishment. *[Note: Act No. 246-2014 amended Sect. 11(c) and 11(d) , but the official translation is not available. Please consult the Spanish version]*

The punishment or security measure imposed shall not violate human dignity.

Punishment shall be proportional to the seriousness of the criminal act.

Punishment shall be necessary and adequate to comply with the principles set forth in this Code.

The general purposes governing the imposition of punishment are:

(a) To ensure public safety.

(b) To serve justice to victims of crime.

(c) To prevent the commission of offenses.

(d) To impose a just punishment on the principal.

(e) To achieve the social and moral rehabilitation of those convicted.

Given that security measures are preventive and nonpunitive in nature, security measures have no maximum limits. The period of service of a security measure is subject to periodic review as provided in Article 85 of this Code. The security measure shall cease depending on the threat posed by the individual to him or herself or to public safety.

SECTION TWO — **Of Construction**

Section 12. — Construction of Words and Phrases.

Words and phrases shall be construed according to context and the meaning sanctioned by common and current usage.

The words used in this Code in the present tense include the future tense; words used in the masculine gender shall also include the feminine and neuter genders, except where such construction would be absurd; and words importing the singular number shall include the plural and vice versa.

Section 13. — Scope of Construction.

If the language used in a statute is susceptible of two or more constructions, it shall be interpreted to further the purposes of this Code and the right protected under the specific Article involved, but always based on the principle of criminal liability.

Section 14. — Definitions. *[Note: Act No. 246-2014 amended Subsection (a); added new Subsections (b.1), (j.1), (kk.1); and repealed Subsections (ii) and (qq). Act No. 71-2024 added new Subsections (uu), (vv) and (ww), Act No. 108-2024 added a new Subsection (gg.1) but the official translation is not available. Please consult the Spanish version]*

Unless the context indicates otherwise, the following words and phrases contained in this Code shall have the meaning stated hereinbelow:

(a) **"Knowingly"** implies personal knowledge. It does not require any knowledge of the unlawfulness of the act or omission. Equivalent terms such as "knowledge," "knowing," "with knowledge," and "having knowledge" have the same meaning.

(b) **"Act"** or **"Action"** means to perform an act.

(b.1) **"Actor"** means the person who, in the defense of his dwelling, vehicle, or place of business or employment, or in the defense of another person's dwelling, vehicle, place of business or employment, causes harm or death to a human being.

(c) **"Amnesty"** means an exceptional legislative measure, sometimes temporary, that suspends the normal effects of a law.

(cc.1) **"Dwelling"** shall have the same meaning as 'Building' in this Article.

(d) **"Year"** and **"Calendar Year"** means a period of three hundred sixty- five (365) days, unless it is a leap year, in which case it shall consist of three hundred sixty-six (366) days.

(e) **"Scanning Device"** means a scanner, reader, skimmer, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a payment card.

(f) **"Audiovisual Recording Device"** means any device with the capability to record or transmit a motion picture or part thereof through present or future media technology.

(g) **"To Appropriate"** includes to temporarily or permanently misappropriate, defraud, exercise unlawful control over, use, retrieve, take possession of, or otherwise acquire, the property or thing of another.

(h) **"Benefit"** Any pecuniary or material benefit, utility, advantage, profit, or gain.

(i) **"Real Property"** Includes lands, and anything permanently built or grown thereon or affixed thereto.

(j) **"Personal Property"** Includes money, goods, livestock, equipment, devices, information technology and communications systems, services, motor vehicles or any other means of transportation, electricity, gas, water or other fluid, waves, mobile or electronic impulses, and printed or electronic identification numbers or choses-in-action, credit vouchers, documents, or any other item susceptible of appropriation.

(j.1) *[Note: Act No. 246-2014 hereby added a new Subsection]*

(k) **"Reencoder"** Means an electronic device that places encoded information on the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different card.

(l) **"Conduct"** Means an act or omission and the accompanying mental state or, where appropriate, a series of acts or omissions.

(m) **"Reasonable Belief"** or **"Reasonably Believes"** Means a belief the holding of which does not make the principal negligent.

(n) **"Public Document"** Any written instrument, printed material, paper, book, pamphlet, photograph, photocopy, film, microfilm, audio tape, map, drawing, blueprint, tape, or any other machine readable or electronic media regardless of whether is made available in hard copy, electronic file, or any other information material or computer media, regardless of its physical form or features, which is originated or received manually or electronically, or kept in any entity of the Commonwealth of Puerto Rico according to law, or designated by law as a public document, or any written statement which originates in the private sector in the ordinary course of its business with government entities and which is kept permanently or temporarily in any State entity due to its administrative usefulness, or legal, fiscal, or cultural value.

(o) **"Building"** Comprises any dwelling, structure, watercraft, cargo container, vehicle or other structure designed or adapted to, or used for lodging of persons, or to store things, keep animals, or for carrying on business therein. It also includes appurtenance structures, outbuildings, and the lot in which it is located.

(p) **"Occupied Building"** Comprises any dwelling, structure, vehicle, or place adapted for the overnight accommodation of persons or for carrying on business therein, for the care of children or persons, for teaching at any level, or for public purposes; provided, that the same is in use, whether a person is actually present at the time of the act. It also includes appurtenance structures, outbuildings, and the lot in which it is located.

(q) **"Written Instrument"** Includes any printed material, sheet, letter, public deed, notarial document, seal, written document, or signature of a person on paper or electronic format, or image, coin, paper currency, tokens, credit cards, or any other symbol or evidence of value, right, privilege, or obligation.

(r) **"Commonwealth of Puerto Rico"** or **"State"** Comprises the departments, agencies, boards, and other entities, public corporations, instrumentalities and their subsidiaries, the municipalities and political subdivisions, and government branches.

(s) **"United States of America"** Means the states of the United States of America, its territories and possessions, the District of Columbia, and the Commonwealth of Puerto Rico.

(t) **"Signature"** or **"Subscription"** The name written by hand or digitally, or the name, mark, or sign made at the request of a person when said person cannot do so, by writing his name next to the mark or sign made by another person who is also signing as witness.

(u) **"Public Funds"** All moneys, bonds or obligations, securities, stamps, internal revenue vouchers, and evidence of indebtedness, and property owned by the Government of the Commonwealth of Puerto Rico, departments, agencies, boards and other entities, public corporations and the subsidiaries thereof, municipalities, and political divisions. It also includes the money collected by private persons or entities who, by means of agreement or legal authority, conduct transactions or collect municipal licenses, duties, imposts, taxes, services, or any money owed to the Commonwealth of Puerto Rico for any other obligation or any other transaction, or for the collection of stamps or fees for public instruments or notarial documents. In the case of bonds, obligations, securities, and evidence of indebtedness, the term includes not only the document that evidences the obligation, but also the moneys, bonds, securities, or obligations obtained as a result of the issuance, purchase, execution, financing, refinancing, or any other transaction with the aforementioned.

(v) **"Fraudulently"** or **"to Defraud"** An act committed through trick, pretenses, plot, scam, or by any other form of deceit.

(w) **"Law Enforcement Officer"** A person in charge of protecting persons and property and maintaining public order and safety. This includes, but is not limited to, all members of the Puerto Rico Police and the Municipal Police, Agents of the Special Investigations Bureau of the Department of Justice, and Marshals of the Judicial Branch. All public State or Federal employees expressly vested by law to make arrests in the performance of their special duties and responsibilities shall also be considered limited authority law enforcement officers.

(x) **"Public Official or Employee"** Any person holding an office or performing a duty or function whether for compensation, either permanently or provisionally, by virtue of any type of appointment, contract, or designation to the Legislative, Executive, or Judicial Branch or the municipal government of the Commonwealth of Puerto Rico. It also includes those persons who represent the public interest and who are designated to hold office in any Commonwealth of Puerto Rico board, public corporation, instrumentality, and subsidiary thereof, as well as those who are authorized to attest as notary public. The term "public official" includes those persons holding office or

employed in the Government of the Commonwealth of Puerto Rico who partake in the sovereignty of the State and are therefore involved in the formulation and implementation of public policy.

(y) **"Gender"** Means the two sexes, male and female, within the context of society.

(z) **"Unlawfully"** Any act contrary to law, rule, regulation, ordinance, or order promulgated by a competent authority of the State in the exercise of its duty.

(aa) **"Oath"** Includes an affirmation or declaration and every other mode of attesting to the truth of that which is stated. Any form of verbal declaration under oath or affirmation is comprised within the term "to testify" and any written declaration within the term "to depose."

(bb) **"Law"** Includes the Constitution, statutes, rules, regulation, or local ordinances of a political subdivision of the Commonwealth of Puerto Rico.

(cc) **"Month"** Period of thirty (30) days, unless otherwise stated.

(cc.1) **"Dwelling"** shall have the same meaning as 'Building' in this Article.

(dd) **"Night"** Period between sundown and sunrise.

(ee) **"Works"** Means, among other things, a thing made or created by an agent; any creation of the intellect such as scientific, literary, or artistic works a volume or volumes that contain complete literary works; a building under construction; a place where something is being built or a road surface is being repaired; medium, virtue, or power, effort involved, or time required for a thing to be executed; work made by an artisan.

(ff) **"Audiovisual Work"** Means a tangible medium in which sounds and images are recorded or stored, including original video tapes, digital video disks, films, or any other medium currently existing or developed in the future and in which sounds and images are recorded or may be recorded or stored, or a total or partial copy or reproduction thereof duplicating the original.

(gg) **"Omission"** Means failure to act.

(gg.1) *[Note: Act No. 108-2024 hereby added a new Subsection]*

(hh) **"Person"** Includes natural and juridical persons.

(ii) **'Elderly** or **Older Adult'** a person who is sixty (60) years of age or older.
"Property" or **"Patrimony"** Includes real and personal property.

(kk) **"Purposely"** A person acts purposely if it is the person's conscious object is to commit an offense. Similar terms such as "purpose, "with the purpose," "designed" or "with design" have the same meaning.

(kk.1) *[Note: Act No. 246-2014 hereby added a new Subsection]*

(ll) **"Seal"** Comprises the impression of a stamp upon a written document in hard copy or digital format or on any substance affixed to the paper capable of being visibly impressed or for authentication.

(mm) **"Credit or Debit Card"** Includes any instrument, negotiable instrument, or object known as a credit or debit card, placard, coupon book or by any other name, issued with or without payment of a fee by the receiver, for use by the holder in obtaining or acquiring on credit or debit any money, goods, services, or any other thing of value in the establishment of the debit or credit card issuer in any other establishment.

(nn) **"Motion Picture Theater"** Means a movie theater, screening room, or any other venue utilized primarily for the exhibition of a motion picture.

(oo) **"Telematics"** Application of telecommunications and informatics to transmit data over long distances.

(pp) **"Torture"** The intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the defendant; except that torture shall not include the pain or suffering arising only from, inherent in or incidental to, lawful sanctions.

~~(qq)~~ *[Note: Act No. 246-2014 hereby repealed Subsection (qq)]*

(rr) **"Voluntary"** An act done of one's free will, and not forced or compelled. Equivalent terms such as: "willfully" have the same meaning.

(ss) *[blank]*

(tt) **"Vehicle"** shall mean any device or animal in which or through which any person or property is or can be transported through any land, sea, or air route, whether it is self-propelled or hauled, and whose classification is not included in the terms 'Building' or 'Occupied Structure' as they are defined in sections (p) and (q) of this Article.

(uu) *[Note: Act No. 71-2024 hereby added a new Subsection]*

(vv) *[Note: Act No. 71-2024 hereby added a new Subsection]*

(ww) *[Note: Act No. 71-2024 hereby added a new Subsection]*

(zz.1) *[Note: Act No. 246-2014 hereby added a new Subsection]*

[Note: Amendments Act No. 92-2018; Act No. 75-2025]

TITLE II — OF THE ELEMENTS OF AN OFFENSE AND OF CRIMINAL CONDUCT

CHAPTER I — OF OFFENSES

Definition and Classification

Section 15. — Definition.

An offense is an act committed or omitted in violation of a law forbidding or commanding it, to which it is annexed, upon conviction, a punishment or security measure.

Section 16. — Classes of Offenses. *[Note: Act No. 246-2014 amended Sect. 16, but the official translation is not available. Please consult the Spanish version]*

Offenses are classified as misdemeanors and felonies.

A misdemeanor is an offense punishable by a term of imprisonment not to exceed six (6) months, a fine not to exceed five thousand dollars ($5,000), or by both penalties at the discretion of the court. All offenses other than misdemeanors are felonies.

Section 17. — Offenses for Which No Penalty is Prescribed. *[Note: Act No. 246-2014 amended Sect. 17, but the official translation is not available. Please consult the Spanish version]*

If any act or omission is declared to be an offense for which no penalty is prescribed, such act or omission shall be punishable as a misdemeanor.

If any act or omission is declared to be a felony for which no penalty is prescribed, such act or omission shall be punished by imprisonment for a fixed term of two (2) years, or by a fine not to exceed ten thousand dollars ($10,000), or both penalties at the discretion of the court.

CHAPTER II — OF CRIMINAL CONDUCT

SECTION ONE Of the Establishment of Criminal Liability

Section 18. — Forms of Commission. *[Note: Act No. 246-2014 amended Art.18, but the official translation is not available. Please consult the Spanish version]*

An offense may only be committed by act or omission.

Section 19. — Place of the Offense. *[Note: Act No. 246-2014 amended Art.19, but the official translation is not available. Please consult the Spanish version]*

The offense is deemed committed:

(a) where the act is done or omitted; or

(b) where the conspiracy occurs; or

(c) where the result occurred or should have occurred within Puerto Rico, in those cases in which conspiracy to commit or the commission of the offense occurred outside of the Commonwealth of Puerto Rico.

Section 20. — Time of the Offense.

An offense is deemed committed:

(a) At the time the act is done or omitted; or

(b) at the time the result of the conduct occurs.

SECTION TWO — **Of Culpability**

Section 21. — Culpable Mental States.

A person shall not be guilty of an offense prescribed in a penal statute unless such person acted intentionally or negligently.

Intent or negligence is manifested by the circumstances connected with the act, the mental state, and the expressions and conduct of the person.

Acts punishable under this Code require intent, unless it provides that negligence suffices.

Section 22. — Intent. *[Note: Act No. 246-2014 amended Art.22, but the official translation is not available. Please consult the Spanish version]*

An offense is deemed committed with intent when:

(a) the result has been expected or desired by the person as a consequence of his or her act or omission; or

(b) the criminal act is a natural consequence of the willful conduct of the principal; or

(c) the principal has contemplated or is aware that it is practically certain that his or her conduct shall result in a criminal act.

Section 23. — Negligence. *[Note: Act No. 246-2014 amended Sect. 23, but the official translation is not available. Please consult the Spanish version]*

An offense is deemed to be committed negligently when it is performed without intent, but imprudently. A person engages in imprudent conduct when he or she deviates from the standard of care that a reasonable person would observe in the principal's situation to prevent the result.

Section 24. — Unintended Victim. *[Note: Act No. 246-2014 amended Sect. 24, but the official translation is not available. Please consult the Spanish version]*

A person who, by mistake or accident, commits an offense in prejudice of a person other than the intended victim shall be liable to the same extent as if the original purpose had been achieved, and shall also be held liable for attempt, for the acts performed against the intended victim.

For conviction purposes, no consideration shall be given to specific aggravating circumstances relating to specific conditions of the intended victim of the offense or when a personal or other relationship exists between the victim and the offender.

SECTION THREE — **Of Defenses to Criminal Liability**

Section 25. — Self-Defense.

Any person who defends his life, dwelling, property or rights, or the life, dwelling, property, or rights of another under circumstances where there is a reasonable fear of imminent harm shall not be criminally liable, provided that there was a reasonable need for the means used to prevent or avoid harm, there was no provocation by the party claiming self-defense, and that no more harm than necessary is inflicted to avoid or prevent harm.

When alleging self-defense to justify causing death to a human being, it is necessary to have reasonable belief that when causing death to the aggressor, the aggrieved or defending person was in imminent or immediate danger of death or serious bodily harm. To justify defense of dwelling,

vehicle, place of business or employment, the circumstances shall indicate trespassing of dwelling, or that the person in the dwelling, vehicle, or place of business or employment has reason to believe that an offense shall be committed, pursuant to what is provided in Article 25A. To justify the defense of property or rights, the circumstances shall indicate an attack on the same that constitutes an offense or that poses serious danger of deterioration or imminent loss.

[Note: Amendments Act No. 246-2014; Act No. 92-2018]

Section 25A. — Presumptions and Provisions on Self-Defense in Dwellings, Vehicles, or Places of Business or Employment.

(a) It shall be presumed that the actor had a reasonable belief that he or another person was at risk of suffering imminent physical harm, that there was no provocation by the actor, and that there was a reasonable need for the means used and for the harm caused to prevent or avoid harm if:
- **(1)** the actor knew or had reason to believe that the person against whom force or violence was used:
  - **(i)** unlawfully entered or was attempting to unlawfully enter the dwelling, vehicle, place of business or employment occupied at that moment by the actor or the person the actor protects; and/or
  - **(ii)** kidnapped or attempted to kidnap the actor or another person who was inside the dwelling, vehicle, or place of business or employment of the actor or the person the actor protects.

(b) The presumption established in section (a) shall not apply if:
- **(1)** the person against whom force or violence was used had the legal right to stay, reside, live, or occupy the dwelling, vehicle, or place of business or employment where the force or violence was used due to, but not limited to, being an owner, title holder, tenant, contractor, employee; or
- **(2)** the person kidnapped or against whom there was an attempted kidnapping is a minor or disabled person under the legal custody or guardianship of the person against whom force or violence was used; or
- **(3)** the actor provoked the person against whom force or violence was used; or
- **(4)** the actor was committing a crime at the time the force or violence was used or used the dwelling, vehicle, or place of business or employment to engage in criminal activity; or
- **(5)** the person against whom force or violence was used is a Law Enforcement Officer, as defined in Article 14 of this Code.

(c) Having caused death to a human being, reasonable belief shall be presumed for the actor who, at the time of causing death to the aggressor, he himself or the person he defended were in imminent or immediate risk of death or serious bodily harm if:
- **(1)** the actor knew or had reason to believe that the person to whom he caused death:
  - **(i)** unlawfully entered or was attempting to enter unlawfully the dwelling, vehicle, place of business or employment occupied at that moment by the actor or the person the actor protects; and/or (ii) kidnapped or attempted to kidnap the actor or another person who was inside the dwelling, vehicle, or place of business or employment of the actor or the person the actor protects.

(d) The presumption established in section (c) shall not apply if:
- **(1)** the person to whom he caused death had the legal right to stay, reside, live, or occupy the dwelling, vehicle, or place of business or employment where the force or violence was used due to, but not limited to, being an owner, title holder, or tenant; or
- **(2)** the person kidnapped or against whom there was an attempted kidnapping is a minor or disabled person under the legal custody or guardianship of the person against whom deadly force was used; or
- **(3)** the actor provoked the person to whom death was caused; or
- **(4)** the actor was committing a crime at the time of causing death or used the dwelling, vehicle, or place of business or employment to engage in criminal activity; or he person to whom death was caused was a Law Enforcement Officer, as defined in Article 14 of this Code.

(e) In order to determine the validity of self-defense, the trier of fact shall not take into consideration the possibility of the actor could have avoided the confrontation.

(f) Law enforcement agencies shall have the power to investigate the use of force or violence, or the cause of death of a human being as provided in this Article.

(g) A person who acting in self-defense uses force against or causes death to a human being in accordance with the provisions of this Article shall not be criminally or civilly liable for the harm or death caused to the aggressor.

(h) The presumptions established in this Article are rebuttable presumptions. The Department of Justice may rebut the presumption by producing evidence to establish that the presumption does not apply to the actor.

[Amendments: Added by Act No. 92-2018]

Section 26. — Necessity Defense.

A person who, in order to protect his rights or the rights of a third party from imminent danger not brought about by himself and otherwise imminent, breaches a duty or causes harm to another's lawfully protected interest shall not be held criminally liable if the harm caused outweighs the harm sought to be prevented and does not cause death or serious and permanent injury to the physical integrity of a person.

This defense may not be asserted by a person who, by reason of his position, office, or activity, is bound to face such risk and the consequences thereof.

Section 27. — Exercise of Right or Performance of Duty.

A person who acts in the performance of a legal duty or in the lawful exercise of a right, authority, or office shall not be held criminally liable.

Section 28. — Obedience to Superior Orders.

A person who follows superior orders in the performance of a public duty shall not be held criminally liable, provided, that the order lies within the authority of a superior officer with respect to the subordinate, does not seem unlawful, and the subordinate is compelled to obey it.

The person who induced, compelled, or coerced the defendant asserting the affirmative defense to commit the act, shall be held criminally liable.

Section 29. — Mistake of Fact. *[Note: Act No. 246-2014 amended Sect. 29, but the official translation is not available. Please consult the Spanish version]*

A person who engages in an act under a mistaken belief of fact that negates intent shall be relieved of criminal liability.

In the case of offenses whose form of culpability is negligence, the mistake does not relieve a person of responsibility.

If the mistake falls under aggravating circumstances or a circumstance that warrants a more serious modality of the offense, it shall prevent the imposition of the highest punishment.

Section 30. — Mistake of Law. *[Note: Act No. 246-2014 amended Art.30, but the official translation is not available. Please consult the Spanish version]*

Ignorance of the penal statute excuses no one from compliance therewith. However, a person shall not be held criminally liable when:

(a) the statute defining the offense has not been published prior the conduct, or

(b) the principal acts in reasonable reliance upon an official statement, afterward determined to be invalid or erroneous, contained in:

(i) a statute or other enactment,

(ii) a judicial decision or opinion,

(iii) an administrative order or grant of permission, or

(iv) an official interpretation of the agency charged by law with responsibility for the interpretation, administration, or enforcement of the law defining the offense.

Section 31. — Entrapment.

A person who is induced to commit an offense by a law enforcement officer or a private person acting in cooperation with such law enforcement officer by undue persuasion, incitement or deceitful means shall not be held criminally liable.

The defense of entrapment is not available to a principal who is unaware that he or she was deceitfully induced by a law enforcement officer or person cooperating with him or her.

The person who induced, compelled, or coerced the person asserting this defense to do so shall be held criminally liable.

Section 32. — Duress.

A person who engages in a conduct charged to constitute an offense shall not be held criminally liable, if such person was compelled to do so by:

(a) a physical or psychological threat of immediate, serious, and imminent harm; provided, that there is a rational proportionality between the harm caused and the actual threat; or

(b) an irresistible impulse that would render the person asserting this defense unable to control his or her actions; or

(c) the use of hypnotic means, narcotics, depressants, or stimulants or any other similar means or substances.

The person who induces, compels, or coerces the person asserting this defense to engage in the criminal act shall be held criminally liable.

Section 33. — Compulsion.

A person shall be not held criminally liable if such person performs an act under compulsion, because he or she reasonably believes immediate and imminent harm shall be inflicted upon him or her, if the situation is such that an average law-abiding person under the same circumstances as the principal, would yield to it.

Section 34. — Misfortune. *[Note: Act No. 246-2014 amended Sect. 34, but the official translation is not available. Please consult the Spanish version]*

A person shall not be held criminally liable if he or she, while performing a lawful act, with due diligence or by omission, causes harm by mere accident, misfortune, or chance, without intent or negligence.

SECTION FOUR — Of Attempt

Section 35. — Definition of Attempt. *[Note: Act No. 246-2014 amended Sect. 35, but the official translation is not available. Please consult the Spanish version]*

Attempt is committed when a person does or omits an act for the purpose of and tending directly toward the commission of an offense that is not accomplished due to circumstances beyond the person's control.

Section 36. — Penalty for Attempt.

An attempt to commit a felony shall entail a penalty equal to one-half of that prescribed for the offense attempted, which shall not exceed ten (10) years for the maximum penalty for attempt. An attempt to commit an offense that entails a penalty of imprisonment for a fixed term of ninety-nine (99) years, entails a penalty of imprisonment for a fixed term of twenty (20) years.

Section 37. — Renunciation.

If a person voluntarily renounces his or her criminal purpose or abandons his efforts to commit the offense, thus preventing its commission, said person shall not be subject to punishment, unless he or she has engaged in previous conduct that, by itself, constitutes an offense.

CHAPTER III — PERSONS LIABLE TO PUNISHMENT

SECTION ONE — **Of Lack of Criminal Responsibility**

Section 38. — Standards for Lack of Criminal Responsibility.

No person shall be punished for an act that constitutes an offense if, at the time of the offense, said person lacks criminal responsibility. Standards for lack of criminal responsibility are the following:

(a) Infancy
(b) Insanity
(c) Temporary Insanity

Section 39. — Infancy.

No person shall be criminally prosecuted or convicted for an act performed while the person was younger than eighteen (18) years of age, except in those cases established in special statutes for juveniles.

Section 40. — Insanity. *[Note: Act No. 246-2014 amended Sect. 40, but the official translation is not available. Please consult the Spanish version]*

A person shall not be criminally responsible for criminal conduct if, at the time of such conduct as a result of a mental disease or defect, he or she lacked substantial capacity to appreciate the criminality of the conduct.

The terms mental disease or defect do not include an abnormality manifested only by repeated criminal or otherwise antisocial conduct.

For purposes of the insanity test, the defendant has the burden of proving his or her alleged insanity.

Section 41. — Temporary Insanity.

A person shall not be criminally responsible for criminal conduct if, at the time of such conduct, he or she person acted while in a temporary mental state that prevented him or her from appreciating the criminality of the conduct or from conforming his or her conduct to the requirement of the law.

Temporary mental state does not exempt from criminal responsibility when incited by the person for the purpose of engaging in the conduct.

Section 42. — Voluntary Intoxication; Exception. *[Note: Act No. 246-2014 amended Sect. 42, but the official translation is not available. Please consult the Spanish version]*

Voluntary drunkenness or voluntary intoxication from consumption of drugs or narcotics, stimulants or depressants, or similar substances shall not exempt from criminal responsibility; however, whenever the actual existence of any particular purpose, motive, or intent is a necessary element to constitute a particular class or degree of offense, the judge may take the fact of the defendant's drunkenness or intoxication into consideration, in determining the purpose, motive, or intent with which the offense was committed.

PART TWO — Of Parties to Offenses

Section 43. — Liable Persons. *[Note: Act No. 246-2014 amended Sect. 43, but the official translation is not available. Please consult the Spanish version]*

Principals, whether they are natural or juridical persons, are liable for the offense.

Section 44. — Principals. *[Note: Act No. 246-2014 amended Sect. 44, but the official translation is not available. Please consult the Spanish version]*

Principals are:

(a) Whoever participates directly in the commission of an offense.

(b) Whoever procures, coerces, incites, abets, or induces another person into committing an offense.

(c) Whoever takes advantage of a person who lacks criminal responsibility to commit an offense.

(d) Whoever assists before, simultaneously, or after the commission of an offense, and without whose participation the offense could not have been committed.

(e) Whoever takes advantage of a juridical person to commit an offense.

(f) Whoever acts on behalf of another as member, director, agent, or owner of a juridical person; provided, that said act is defined as an offense under a statute and the criminal act is committed, even if the material elements of the offense do not concur upon such a person, but do concur upon the person on whose behalf he or she acted or upon the juridical person.

(g) Whoever having the legal duty to protect a protected legal right, aware that it may produce a criminal result not provoked by him or her, but that places said legal right at risk, fails to make a proper effort to prevent it.

(h) Whoever otherwise assists in the commission of an offense.

Section 45. — Renunciation of Accomplice. *[Note: Act No. 246-2014 amended Sect. 45, but the official translation is not available. Please consult the Spanish version]*

If a person, acting jointly and with common intent with one or several persons in the commission of an offense, completely and voluntarily abandons his or her effort to commit the crime or prevents its commission after the act has begun, shall be liable only for the offenses committed up to that moment.

Section 46. — Juridical Persons.

Any juridical person organized under the laws of the Commonwealth of Puerto Rico or authorized to act within its jurisdiction as well as any partnership or unincorporated association shall be criminally liable when the persons, agents, or representatives authorized to act on its behalf commit an offense while executing their agreements or while acting within the scope of their employment.

The liability established herein does not exclude any member, director, agent, or representative of juridical persons or partnerships and unincorporated associations from personal liability for engaging in the commission of an offense.

TITLE III — OF THE CONSEQUENCES OF OFFENSES

CHAPTER I

Section 47. — Civil Liability.

The punishment established in this Code shall in no way affect or alter the civil liability of the persons convicted of an offense.

CHAPTER II — OF PUNISHMENT FOR NATURAL PERSONS SECTION ONE

Of the Types of Punishment

Section 48. — Punishments for Natural Persons. *[Note: Act No. 246-2014 amended Sect. 48(f), but the official translation is not available. Please consult the Spanish version]*

The following punishments are hereby established for natural persons:

(a) Imprisonment.
(b) Home Detention.
(c) Probation.
(d) Fines.
(e) Community Service.

(f) Removal from public office or employment.
(g) Restitution.
(h) Suspension or Revocation of License, Permit, or Authorization, in accordance with the provisions of Article 60.
(i) Special Penalty for Crime Victims and Witness Compensation and Services Fund.

Section 49. — Imprisonment. *[Note: Act No. 246-2014 amended Sect. 49, but the official translation is not available. Please consult the Spanish version]*

The punishment of imprisonment consists in the restraint of liberty in a penal institution for the term established in the sentence. Imprisonment shall provide the inmate with the opportunity to be rehabilitated morally and socially while serving his sentence.

Sentence of imprisonment imposed upon persons under twenty-one (21) years of age shall be served in institutions that are fit for this group of offenders.

Section 50. — Home Detention. *[Note: Act No. 246-2014 amended Sect. 50, but the official translation is not available. Please consult the Spanish version]*

The punishment of home detention consists in the restraint of liberty for the term of the sentence, to be served in the residence of the person or another residence as ordered by the court under conditions that promote the social rehabilitation of the offender, and which do not pose a risk to the safety of the community.

When imposing this punishment, the following factors, among others, shall be considered: whether the convicted person is employed or attending school, his health condition, the stability of his family group, the commitment not to break the law again, the possibility of rehabilitation, the risk and benefit for the community, and the availability of family resources or other persons to collaborate with the attainment of the objectives of this punishment and to complying with the conditions imposed.

The Department of Corrections and Rehabilitation, subject to the regulations adopted, shall be charged with enforcing this punishment, ensuring compliance with the rehabilitation plan that is part of the sentence, and imposing the appropriate conditions.

The person sentenced to home detention shall not change his place of residence during the term of the sentence without prior authorization of the Department of Corrections and Rehabilitation, which, in turn, shall notify the court.

Whoever violates the terms of home detention shall serve the entire sentence in prison, except that at the revocation hearing the Judge, in his or her discretion, may allow credit for the time already served.

Home detention is not available to persons convicted of felonies, except in the following circumstances, as certified by medical evidence to the court's satisfaction:

(a) Offenders who suffer a terminal illness or degenerative, disabling condition, upon previous medical certification to that effect.
(b) Offenders who cannot fend for themselves. In any other case, this punishment shall be applied to felonies, in the court's judgment, in accordance with the Suspended Sentence Act, as amended.

Section 51. — Probation.

Probation consists of the suspension of the execution of the sentence of imprisonment to place the offender on the supervision regime provided in the Suspended Sentence Act, as amended.

Section 52. — Community Service. *[Note: Act No. 246-2014 amended Sect. 52, but the official translation is not available. Please consult the Spanish version]*

The punishment of community service consists in performing community service for the period and at the location determined by the court, according to the offense for which the person was convicted. Each day imposed by the court equals eight (8) hours of service.

The court may provide that community service be performed at any of the following locations: a non-profit corporation or association, an institution, or a public agency.

At its discretion, the court shall ensure that the period and terms of community service do not infringe upon the dignity of the offender, that inure to the benefit of the community, and that the offender recognizes the consequences of his or her conduct. The offender shall accept the terms of community service and the period thereof prior to the sentencing.

In determining the period and the terms of community service, the court shall take into consideration: the nature of the offense, age, health, occupation, profession, or trade of the offender, as well as the particular circumstances of the case, among others.

The Department of Corrections and Rehabilitation, subject to the regulations adopted by the same, and the institution to which the offender is assigned to perform community service, shall be charged with the execution of this punishment. The Department of Corrections and Rehabilitation shall enter into agreements with those institutions where community service may be performed and the procedures to notify the Department of Corrections and Rehabilitation or the court of any violation of the terms of this punishment.

If the offender violates the terms, he or she shall be incarcerated for the remainder of the sentence.

This form of punishment is not available to persons convicted of felonies.

When imposing this punishment, the benefits that this punishment may offer the community shall be analyzed in every particular case, and the court shall ensure that the community is not at risk.

Section 53. — Removal from Public Office or Employment. *[Note: Act No. 246-2014 amended Sect. 53, but the official translation is not available. Please consult the Spanish version]*

The conviction of any public official or employee for any offense committed while in the performance of his or her public duty shall constitute sufficient grounds for removal from office or employment held by said employee or official. Removal shall be carried out in accordance with applicable special laws.

Section 54. — Fines.

A fine consists in an obligation imposed by the court on the offender to pay to the Commonwealth of Puerto Rico the amount of money established in the sentence.

The amount of the fine shall be determined by the court based upon the economic circumstances, family responsibilities, gain or degree of greed displayed in the commission of the criminal act, the profession or occupation, age, and health of the offender, as well as the particular circumstances of the case, among others.

Section 55. — Method of Payment of Fines.

Fines shall be paid within thirty (30) days from the imposition thereof. However, at the offender's request and at the court's discretion, fines may be paid in full or in installments over a reasonable period of time from the date on which the sentence becomes final and becomes binding.

The court may maintain the benefit of the payment plan if it deems that the offender's noncompliance was for good cause.

[Amendments: Act No. 68-2014]

Section 56. — Payment of Fines Through Community Service.

The court, at its discretion or at the request of the offender, upon showing proof of his or her inability to pay, may authorize the payment or amortization of the unpaid portion of the fine by performing community service.

When it is performed to amortize a fine, fifty dollars ($50) shall be credited for each day of community service, which shall not exceed eight (8) hours of service each day.

The court shall retain jurisdiction over the offender for purposes of enforcing the payment order so entered, including, in the appropriate cases, the authority to revoke said order or to demand payment of the entire unpaid balance of the fine.

Section 57. — Conversion of Fines.

If the fine or days of community service imposed were not satisfied in accordance with the aforementioned provisions, such fine or community service shall be converted to imprisonment at a rate of fifty dollars ($50) for each day of imprisonment or for every eight (8) hours of uncompleted community service.

The offender may regain his or her liberty at any time upon satisfaction of the fine, by crediting the appropriate portion to the term of imprisonment served.

The conversion of a fine shall not exceed ninety (90) days of imprisonment.

If the fine has been imposed together with imprisonment, the alternative to imprisonment shall be in addition to the term of imprisonment.

[Amendments: Act No. 246-2014; Act No. 89-2020]

Section 58. — Restitution. *[Note: Act No. 76-2022 amended Sect. 58, but the official translation is not available. Please consult the Spanish version]*

Restitution is the obligation imposed by the court to compensate the victim for damages and losses caused to him or to his property as a result of the offense. Restitution does not include mental pain and suffering.

The court may order that restitution be made in money, by performing services or returning unlawfully appropriated property or its equivalent, if the property is not available.

If restitution is made in money, the amount thereof shall be determined by the court taking into consideration: the full amount of restitution for damages, the prorated participation of the offender, if there were several participants in the criminal act, the offender's ability to pay, and any other element that would allow for an adequate adjustment to the circumstances of the case and the offender.

Restitution shall be made immediately. Nevertheless, at the request of the offender and at the discretion of the court, taking into consideration the economic circumstances of the offender, restitution may be paid in full or in installments within a reasonable period after the date on which the sentence becomes final.

Section 59. — Revocation of Driver's License. *[Note: Act No. 246-2014 amended Sect. 59, but the official translation is not available. Please consult the Spanish version]*

When a person is convicted of negligent homicide while operating a motor vehicle, in addition to imposing the punishment that fits the offense, the court may revoke the driver's license.

In case death is caused while operating a motor vehicle under the influence of intoxicating beverages, controlled substances, or with reckless disregard for the safety of others, the court shall revoke the driver's license.

Upon revoking the license, the following rules shall be observed:

(a) The period that the offender serves in prison shall be credited to the period of revocation.

(b) When at least one (1) year has elapsed since the revocation of the driver's license, the offender must file a new application for a driver's license and meet all other legal requirements to obtain his or her license again.

(c) The court shall deliver a certified copy of the judgment revoking the license to the Secretary of Transportation and Public Works of Puerto Rico.

Section 60. — Suspension or Revocation of License, Permit, or Authorization.

When in the commission of an offense the legal requirements for the issuance of a license, permit, or authorization are violated or the authorized activity is affected, or when the criminal act justifies the suspension of the privilege to practice a profession, occupation, or regulated activity, in addition to the punishment imposed upon the offender for the offense committed the court, at its discretion, may order the suspension or revocation of the license, permit, or authorization for a specific period of time provided in the sentence.

Section 61. — Special Assessment. *[Note: Act No. 34-2021 amended Sect. 61, but the official translation is not available. Please consult the Spanish version]*

In addition to the punishment prescribed for the commission of an offense, the court shall impose on the defendant a special assessment equal to one hundred dollars ($100) for each misdemeanor and three hundred dollars ($300) for each felony. The special assessment provided for herein shall be paid by means of internal revenue stamps. The amounts thus collected shall be deposited in the Crime Victims Special Compensation Fund.

Section 62. — Prohibition on Asset Forfeiture.

A conviction for an offense shall not entail the loss or forfeiture of assets, unless it is expressly prescribed by law, or unless the assets are used in the commission of an offense or constitute the proceeds of a crime, and the owner is unknown.

SECTION TWO

Of the Method for Imposing Punishment

Section 63. — Presentence Report. *[Note: Act No. 246-2014 amended Sect. 63, but the official translation is not available. Please consult the Spanish version]*

The imposition of a punishment requires a presentence report, the preparation of which shall be mandatory for felonies and, at the discretion of the court, for misdemeanors.

These reports shall be available to the parties.

No limitation shall be imposed upon the nature of the information concerning the background, character, and conduct of the offender that may be considered by the court for sentencing purposes.

Section 64. — Sentencing. *[Note: Act No. 246-2014 amended Sect. 64, but the official translation is not available. Please consult the Spanish version]*

When imposing imprisonment or any punishment involving restraint of liberty or the suspension of a license, permit, or authorization, the court shall pass sentence for a definite term. In the case of a felony, the fixed term prescribed by law for the offense shall be imposed.

Section 65. — Mitigating Circumstances. *[Note: Act No. 246-2014 added new Subsections 65(j), (k), (l) and (m), but the official translation is not available. Please consult the Spanish version]*

The following factors relating to the defendant and the commission of the offense shall be considered mitigating circumstances for purposes of the punishment:

(a) The grounds for excluding criminal liability when not all the requirements for exclusion are met.

(b) The defendant has no prior criminal record.

(c) The defendant has been a person of good character prior to the act and has a good reputation in the community.
(d) The defendant's old age or youth.
(e) The defendant's mental and physical condition.
(f) The defendant acknowledged his or her responsibility at any stage of the criminal process.
(g) The defendant voluntarily aided in the prosecution of the offense committed by him or her and by others.
(h) The defendant made restitution to the victim for the harm caused or mitigated the effects of the harm caused.
(i) The defendant exercised caution to avoid harm to persons or damage to property.
(j) *[Note: Act No. 246-2014 hereby added a new subsection]*
(k) *[Note: Act No. 246-2014 hereby added a new subsection]*
(l) *[Note: Act No. 246-2014 hereby added a new subsection]*
(m)*[Note: Act No. 246-2014 hereby added a new subsection]*

Section 66. — Aggravating Circumstances.

The following factors relating to the defendant and the commission of an offense shall be considered aggravating circumstances:

(a) The defendant has a prior history of criminal activity that was not considered when charging him or her with recidivism.
(b) The defendant was enjoying the benefits of a suspended sentence, parole, therapeutic confinement, home detention, release on bail or probation, or on a diversion program when the offense was committed.
(c) The defendant lied under oath while on trial and was not charged with perjury.
(d) The defendant threatened witnesses, suborned perjury, or in any other way interfered with the judicial process.
(e) The defendant took advantage of the authority of his position or employment or of the service or task entrusted to him or her.
(f) The defendant committed the offense wearing a uniform that identified him as a state, municipal, or federal law enforcement officer or as an employee of a government agency or private entity.
(g) The defendant induced a minor or a person with disabilities to assist in the commission of the offense.
(h) The defendant induced or influenced or directed others to participate in the commission of the offense.
(i) The defendant planned the offense.
(j) The defendant committed the offense in exchange for money or other compensation or promise of payment.
(k) The defendant used a firearm in the commission of the offense or used any other dangerous instrument, object, medium, or method which is hazardous to the life, bodily integrity, or health of the victim.
(l) The defendant inflicted or threatened infliction of serious bodily harm to the victim.

(m) The defendant took advantage of his or her physical superiority over the condition of the victim and deliberately caused the victim further suffering.

(n) The victim was particularly vulnerable, whether because he or she was a child, an elderly person, a person with a mental or physical disability or a pregnant woman at any stage of her pregnancy, regardless of the whether the defendant knew about such pregnancy at the time of the commission of the offence.

(o) The offense committed involved violence and its commission discloses cruelty and contempt toward the victim.

(p) The offense was committed within a building owned by the Commonwealth of Puerto Rico, a public agency, or any annexes thereof, or caused the loss of public property or funds.

(q) The offense committed was motivated by bias toward and against the victim on the basis of race, color, sex, sexual orientation, gender, gender identity, origin, ethnicity, marital status, birth, physical or mental disability or condition, social status, religion, age, political ideas or religious beliefs, or homelessness. For the purposes of establishing a motive as provided in this subsection, it shall not suffice to prove that the defendant has a particular belief or that the defendant merely belongs to a particular organization.

(r) The victim is related to the defendant within the second degree of consanguinity, affinity, or by adoption.

(s) The offense was committed in the dwelling or residence of the victim.

Section 67. — Prescribed Punishment; Imposition of Mitigating and Aggravating Circumstances. *[Note: Act No. 246-2014 amended Sect. 67, but the official translation is not available. Please consult the Spanish version]*

Punishment shall be prescribed in accordance with the provisions of each article of this Code. The Court shall consider the mitigating and aggravating circumstances provided in Articles 65 and 66 of this Code. If aggravating circumstances are found, the prescribed punishment may be increased by twenty-five percent (25%); if mitigating circumstances are found, the prescribed punishment may be reduced by twenty-five percent (25%).

The aggravating or mitigating circumstances that the law has considered in classifying an offense, as well as those inherent in it, shall not be considered when prescribing the punishment.

Section 68. — Credit for Time Spent in Detention or Imprisonment.

Defendants shall be given credit for the time spent in detention or imprisonment, as follows:

(a) The time of imprisonment spent by a defendant from detention and up to the time the sentence becomes final shall be fully credited toward the service of the sentence, whichever it may be.

(b) If the sentence is imposed under a special penal law and consists solely in a fine, the time spent in custody shall be credited at a rate of fifty (50) dollars for each day spent in custody. If the fine imposed were less than fifty (50) dollars, it shall be deemed satisfied with one (1) single day of imprisonment or detention of the defendant.

(c) The time spent by a person in home detention or therapeutic confinement serving a sentence that is subsequently vacated or reversed shall be fully deducted from the period of detention or imprisonment to be served if a new sentence is imposed for the same acts that led to the vacated or reversed sentence.

(d) If the sentence imposes a fine or community service, credit shall be given for each day spent in custody under subsections (a) and (c) at a rate of eight (8) hours of community service.

Section 69. — Mitigation of Punishment. *[Note: Act No. 246-2014 amended Sect. 69, but the official translation is not available. Please consult the Spanish version]*

When, at the time of passing sentence it appears that the defendant has already paid a fine or suffered an imprisonment for the act of which he stands convicted, under an order adjudging it a contempt, the Court may mitigate the punishment to be imposed.

Section 70. — Deferment of Sentence.

The Court may defer service of sentence:

(a) When the defendant serving the sentence is seriously ill and his or her condition is certified through a medical examination to the satisfaction of the court. The sentence shall be rendered null and void after ten (10) calendar years.

(b) When a woman is pregnant or when not less than six (6) months have elapsed after childbirth.

(c) When other circumstances warrant it for a period not to exceed ten (10) days.

SECTION THREE — **Of Concurrence**

Section 71. — Concurrent Offenses. *[Note: Act No. 246-2014 amended Sect. 71, but the official translation is not available. Please consult the Spanish version]*

The following are considered concurrent offenses:

(a) When two or more criminal provisions, each of which appraises different elements of an act, are applicable to an act.

(b) When in line with the actor's purpose, several offenses arise out of a course of criminal conduct or are a form of preparation to commit another offense.

(c) When, with the same criminal purpose and passive subject, a person commits a number of acts, which may be considered separate offenses, but that arise out of a single criminal episode.

Section 72. — Effects of Concurrence. *[Note: Act No. 246-2014 amended Sect. 72, but the official translation is not available. Please consult the Spanish version]*

In the cases provided in the previous Article, defendant shall be prosecuted for all concurrent offenses and be sentenced for the most serious offense. In all other cases, the defendant shall be indicted, tried, and sentenced for each one of the offenses committed.

An acquittal or sentence under any one bars a prosecution for the same act or omission under any other.

A criminal act is not the less punishable as a crime because it is also declared to be punishable as a contempt.

SECTION FOUR — **Of Recidivism**

Section 73. — Degrees and Punishment for Recidivism. *[Note: Act No. 246-2014 amended Sect. 73, but the official translation is not available. Please consult the Spanish version]*

(a) There shall be recidivism when a person has been convicted of a felony and sentenced and commits another felony. On this type of recidivism, the fixed punishment prescribed by law for the offense committed shall be increased by one-half times.

(b) There shall be aggravated recidivism when a person who has been previously convicted of and sentenced for two (2) or more felony charges separately brought and tried, and arising out of separate and distinct criminal episodes, commits another felony. The defendant shall be sentenced to a fixed punishment of twenty (20) natural years or double the fixed punishment prescribed by law for the committed offense, whichever is higher.

(c) There shall be habitual recidivism when a person who has been previously convicted of and sentenced for two (2) or more felony charges separately brought and tried, and arising out of separate and distinct criminal episodes, subsequently commits any felony punishable by a fixed term of imprisonment of more than fifteen (15) years or any other felony in violation of the Puerto Rico Explosives Act, Act No. 134 of June 28, 1969 and the Act Against Organized Crime, Act No. 33 of June 13, 1978; in violation of Sections 401, 405, 411 and 411(a) of the Controlled Substances Act of Puerto Rico, Act No. 4 of June 23, 1971, or Sections 2.14, 5.03 and 5.07 of the Puerto Rico Weapons Act, as amended. The punishment to be applied shall be ninety-nine (99) years.

Section 74. — Rules to Determine Recidivism.

The following rules shall apply to determine recidivism:

(a) A previous offense shall not be taken into consideration if, between said offense and the next, a period of ten (10) years have elapsed since the person served the sentence for said offense.

(b) Any conviction under the repealed Penal Code or classified as a felony under a special law shall be considered.

(c) Any conviction in a jurisdiction other than Puerto Rico for an act that constitutes a felony in Puerto Rico shall be taken into consideration. If the act is classified as a misdemeanor in Puerto Rico, it shall not be taken into consideration.

(d) Acts committed by a person before having attained the age of eighteen (18) shall not be taken into consideration, except for cases excluded from the jurisdiction of the Juvenile Division of the Court of First Instance, as provided by law and in such cases where said court has waived jurisdiction.

[Amendments: Act No. 246-2014;Act 27-2017]

CHAPTER III — OF PENALTIES AGAINST JURIDICAL PERSONS

Section 75. — Penalties Against Juridical Persons. *[Note: Act No. 246-2014 amended Sect. 75(e), but the official translation is not available. Please consult the Spanish version]*

The penalties set forth herein for juridical persons, as defined in this Code, are the following:

(a) Fines.
(b) Suspension of activities.
(c) Forfeiture of charter.
(d) Dissolution of the entity.
(e) Suspension or revocation of license, permit, or authorization in accordance with the provisions of Article 78.
(f) Restitution.

Section 76. — Fines. *[Note: Act No. 246-2014 amended Sect. 76, but the official translation is not available. Please consult the Spanish version]*

The penalty of fine shall be established within the parameters established in the penal law; thus, in determining it, the court shall consider the seriousness of the offense or offenses, the economic benefit, if any, derived from the offense, the consequences of the offense, any criminal history of similar offenses, and the economic impact of the fine on the person.

The fine shall be paid immediately. The penalty of fine shall be proportional to the seriousness of the offense or offenses and shall never be less than the economic benefit derived by the juridical person as a result of the criminal act. The penalty of fine shall be imposed regardless of whether the juridical person derived economic benefit.

Section 77. — Suspension of Activities. *[Note: Act No. 246-2014 amended Sect. 77, but the official translation is not available. Please consult the Spanish version]*

The penalty of suspension of activities consists in suspending all activities of the juridical person, except for those of strict compliance, for the period determined by the court, which shall not exceed six (6) months.

The penalty of suspension of activities shall also be punishable by the penalty of fine prescribed for the offense.

Section 78. — Suspension or Revocation of License, Permit, or Authorization.

When in the commission of an offense, a juridical person violates, for the first time, the statutory requirements for the granting of a license, permit, or authorization, or when its conduct affects the performance of the authorized activity, the court, at its discretion, shall order the suspension of the license, permit or authorization for a period not to exceed one (1) year; in addition to any penalty of fine imposed thereon, as prescribed for the offense.

If a juridical person violates the statutory requirements for the granting of a license, permit, or authorization more than once, or when its conduct affects the performance of the authorized activity, the court, at its discretion, shall revoke said license, permit, or authorization permanently.

Section 79. — Forfeiture of Charter or Dissolution.

The penalty of forfeiture of charter or dissolution shall be available for any of the entities mentioned in this Code that commits a new felony after having been convicted of and sentenced for another felony, and if from the motives and circumstances of the offense, the court may reasonably conclude that the entity regularly engages in criminal conduct.

This penalty shall be in addition to the penalty of fine prescribed for the offense.

Section 80. — Restitution. *[Note: Act No. 76-2022 amended Sect. 80, but the official translation is not available. Please consult the Spanish version]*

The penalty of restitution is the obligation imposed by the court on a juridical person to pay the victim for the damages and losses caused to the victim and victim's property as a consequence of its criminal act.

The penalty of restitution shall be set taking into consideration the juridical person's capital stock, the state of business, the nature and consequences of the offense, and any other relevant circumstance.

Section 80A. — *[Note: Act No. 246-2014 hereby added a new Sect. 80A, but the official translation is not available. Please consult the Spanish version]*

CHAPTER IV — OF SECURITY MEASURES

SECTION ONE — **Of the Purposes of Security Measures**

Section 81. — Application of the Measure. *[Note: Act No. 246-2014 amended Sect. 81, but the official translation is not available. Please consult the Spanish version]*

When the defendant is found not guilty by reason of insanity or is found unfit, the court shall maintain jurisdiction over the person and may order such person to be committed to an appropriate institution for treatment if, in the exercise of its discretion, the court determines, on the basis of the evidence presented, that such person is dangerous and poses a risk to society or could benefit from treatment.

If commitment is ordered, it shall be extended for the period of time during which the safety of society and the welfare of the committed person may be ensured. It shall be the duty of the persons in charge of the treatment to file quarterly reports with the court regarding the progress of the case.

Section 82. — Exclusion from Punishment.

Security measures may only be imposed by court judgment, and they exclude the punishment.

SECTION TWO — **Of the Application of Security Measure**

Section 83. — Pre-security Measure Report.

No security measure shall be imposed without prior psychiatric or psychological examination of the defendant and report by a psychiatrist or clinical psychologist appointed by the court and a probation report prepared by a probation officer.

Said reports, except for the sources of confidential information, shall be notified to the parties.

Section 84. — Hearings.

The parties may argue these reports at a hearing to which the drafters of such reports shall be summoned to testify at the request of a party.

Section 85. — Periodic Review.

Every year, the court shall rule in favor or against maintaining, modifying, or ending the security measures imposed, without prejudice of so doing at any time in which the circumstances so warrant, or at the request of the person under whose custody the defendant has been committed.

If the court may reasonably deduct from the progress of the treatment that the defendant may continue treatment and rehabilitation under supervised release, for he or she no longer poses a

danger, the defendant may be released from commitment subject to the provisions of special laws on the matter.

CHAPTER V — OF TERMINATION OF RIGHT TO BRING ACTIONS AND OF PUNISHMENT

SECTION ONE — **Of Termination of Right to Bring a Criminal Action**

Section 86. — Termination of Right to Bring a Criminal Action. *[Note: Act No. 246-2014 added a new Subsection 86(e), but the official translation is not available. Please consult the Spanish version]*

Right to bring a criminal action terminates upon:

(a) Death.
(b) Pardon.
(c) Amnesty.
(d) Statute of Limitations.
(e) *[Note: Act No. 246-2014 hereby added a new Subsection (e)]*

Section 87. — Statute of Limitations.

The statute of limitations for criminal prosecution shall be:

(a) Five (5) years for felonies and for felonies classified under a special law.
(b) One (1) year for misdemeanors, except for those involving violations of tax statutes and all misdemeanors committed by public officials or employees in the performance of their duties, which shall expire within five (5) years.
(c) Ten (10) years for concealment and conspiracy when committed in connection with murder.
(d) Ten (10) years for homicide.
(e) Twenty (20) years for offenses involving sexual assault, incest, and lewd acts.

The provisions of subsections (a) and (b) of this Article shall not apply to special laws that prescribe longer periods of limitation than those proposed herein.

Section 88. — Offenses Without Statute of Limitations.

There is no statute of limitations for the following offenses: genocide, crimes against humanity, murder, kidnapping, embezzlement of public funds, forgery of public records, perjury when, as a result of its commission, a defendant is convicted of a felony or misdemeanor carrying a felony conviction or when perjury has the effect of aggravating a proven felony offense, and every felony offense classified under this Code or a special law committed by a public official or employee in the performance of public duties.

If, at the time the offense was committed, the victim was a minor younger than the age of eighteen (18) and the accused was older than the age of eighteen (18) the following offenses shall

not have a statute of limitations: incest, sexual assault, lewd acts, human trafficking, aggravated abduction, use of a minor for child pornography, proxenetism, pandering, and aggravated human trafficking.

[Amendments: Act No.34-2018; Act No. 123-2024]

Section 89. — Calculation of the Statute of Limitations.

The statute of limitations shall be calculated from the day the offense is committed up to the date on which probable cause for arrest or subpoena is found. In appeal cases, the holding of a hearing to find probable cause for arrest or subpoena shall toll the statute of limitations.

However, when the offenses have a statute of limitations and the victim has not attained the age of eighteen (18) years, the statute of limitations shall be calculated from the date on which the victim reaches the age of eighteen (18) years.

[Amendments: Act No.34-2018]

Section 90. — Complicity.

The statute of limitations shall be calculated separately for each accomplice.

SECTION TWO — **Of the Termination of Punishment**

Section 91. — Termination of Punishment.

Punishment terminates upon:

(a) Death of the defendant.
(b) Pardon or other executive clemency action.
(c) Amnesty.
(d) Service of the sentence imposed.

BOOK TWO — SPECIAL PART

TITLE I — CRIMES AGAINST THE PERSON

CHAPTER I — CRIMES AGAINST LIFE

SECTION ONE — **Of Murder and Homicide**

Section 92. — Murder. *[Note: Act No. 246-2014 amended Sect. 92, but the official translation is not available. Please consult the Spanish version]*

Murder is the killing of a human being with malice aforethought.

Section 93. — Degrees of Murder. *[Note: Act No. 246-2014; Act No. 40-2021 and Act No. 71-2024 amended Sect. 93, but the official translation is not available. Please consult the Spanish version. Act No. 157-2020 amended Sect. 93]*

The murder of the first degree:

(a) All murder that is perpetrated by means of poison, lying in wait or torture, or other of kind willful premeditated killing.

(b) All murder that is committed in the perpetration of, or attempt to perpetrate aggravated arson, sexual assault, robbery, aggravated burglary, kidnapping, child abduction, mayhem (with intent), poisoning public water supplies (with intent), aggravated assault, escape, intentional abuse, child abandonment, abuse, aggravated abuse, abuse by unlawful restraint, or marital rape, as provided in Act No. 54 of August 15, 1989, as amended, known as the "Domestic Abuse Prevention and Intervention Act."

(c) Any murder of a law enforcement officer or private security guard, prosecutor, juvenile prosecutor, family affairs prosecutor, judge, or custody officer in the performance of his or her duty, committed in the perpetration of, or attempt to perpetrate, or concealing a felony.

(d) Any murder that is perpetrated by means of discharging a firearm from a motor vehicle or in a public space or a space open to the public aiming at a specified or unspecified target, in reckless disregard to public safety.

(e) Any murder where the victim is a woman and, in the commission of the crime the following circumstances occur:

(1) Attempts to establish or reestablish a romantic or intimate relationship with the victim; or

(2) has or has had a family, conjugal, cohabitating, intimate, or dating relationship with the victim; or

(3) is the result of the repeated violence against the victim;

(4) there is a criminal record of any type of domestic violence or stalking against the victim.

Any other death of a human being caused recklessly constitutes second degree murder.

Section 94. — Punishment for Murder. *[Note: Act No. 246-2014 amended Sect. 94, but the official translation is not available. Please consult the Spanish version]*

Any person convicted of murder in the first degree shall be punished by imprisonment for a fixed term of ninety-nine (99) years. In such a case, the person may be considered for parole by the Parole Board after serving thirty-five (35) natural years of his or her sentence, or twenty (20) natural years, in the case of a minor tried and sentenced as adult. Any person convicted of murder in the second degree shall be punished by imprisonment for a fixed term of fifty (50) years.

Section 95. — Homicide. *[Note: Act No. 246-2014 amended Sect. 95, but the official translation is not available. Please consult the Spanish version]*

Any intentional killing committed upon a sudden quarrel or in the heat of passion shall be punishable by imprisonment for a fixed term of fifteen (15) years.

Section 96. —Negligent Homicide. *[Note: Act No. 246-2014 amended Sect. 96, but the official translation is not available. Please consult the Spanish version]*

Any person who negligently causes the death of another person shall be guilty of a misdemeanor but shall be punished by imprisonment for a fixed term of three (3) years.

When the death is caused by the operation of a motor vehicle with willful disregard for the safety of others, the person shall be guilty of a felony and be punished by imprisonment for a fixed term of eight (8) years.

When the death is caused by the operation of a motor vehicle while under the influence of controlled substances or intoxicating liquor, as provided and defined in Act No. 22-2000, as amended, known as the "Puerto Rico Vehicle and Traffic Act," the person shall be guilty of a felony and be punished by imprisonment for a fixed term of fifteen (15) years.

SECTION TWO — **Of Suicide**

Section 97. — Abetting Suicide. *[Note: Act No. 246-2014 amended Sect. 97, but the official translation is not available. Please consult the Spanish version]*

Any person who assists or abets another in committing suicide or attempting to commit suicide shall be punished by imprisonment for a fixed term of eight (8) years.

SECTION THREE — **Of Abortion**

Section 98. — Abortion. *[Note: Act No. 246-2014 amended Sect. 98, but the official translation is not available. Please consult the Spanish version]*

Any person who allows, indicates, advises, abets, or performs an abortion or makes available, facilitates, administers, prescribes, or otherwise procures a pregnant woman to take any medicine, drug or substance, or who uses or employs any instrument or other means whatever, with intent thereby to procure the miscarriage of such woman; and any person who assists in the commission of any of said acts, except when necessary as determined by medical judgment of a physician duly authorized to practice medicine in Puerto Rico, to preserve the health or life of the mother, shall be punished by imprisonment for a fixed term of three (3) years.

Section 99. — Abortion Performed or Consented by the Woman.

Every woman who solicits of any person any medicine, drug, or substance whatever, and takes the same, or who submits to any operation or surgery, or to the use of any means whatever, with intent thereby to procure a miscarriage, unless the same is necessary to preserve her health or life as provided in Article 98 of this Code, shall be punished by imprisonment for a fixed term of three (3) years.

Section 100. — Abortion by Force or Violence. *[Note: Act No. 246-2014 amended Art 100, but the official translation is not available. Please consult the Spanish version]*

Any person who by force or violence inflicts harm to a pregnant woman and causes a premature childbirth with harmful effects for the child, shall be punished by imprisonment for a fixed term of eight (8) years.

If the child dies, the person shall be punished by imprisonment for a fixed term of fifteen (15) years.

[Section 101. — ~~Advertising to Produce Illegal Abortions.~~] *[Note: Act No. 246-2014 repealed Sect. 101]*

SECTION FOUR — **Of Genetic Engineering and Assisted Reproduction**

Section 102. — Alteration of the human genome for purposes other than the diagnosis, treatment, and scientific research in genetics and medicine. *[Note: Act No. 246-2014 amended Sect. 102, but the official translation is not available. Please consult the Spanish version]*

Any person who uses technology to alter the human genome for purposes other than scientific research, treatment, or diagnosis in the field of human biology, specifically genetics or medicine shall be punished by imprisonment for a fixed term of fifteen (15) years.

The terms "diagnosis" and "treatment" shall mean any medical intervention directed to determining the nature and causes of illness, disabilities, or genetic disorders or remedies (healing or relief) thereof.

"Scientific research" shall mean any procedure or work directed to the discovery of new therapies or the broadening of scientific knowledge on the human genome and its clinical applications.

Both the interventions directed to the diagnosis and treatment as well as the procedures and work directed to scientific research shall be performed with the informed and voluntary consent of the person from which the genetic material originates.

Section 103. — Human Cloning. *[Note: Act No. 246-2014 amended Sect. 103, but the official translation is not available. Please consult the Spanish version]*

Any person who, using cloning techniques, produces human embryos for reproductive purposes shall be punished by imprisonment for a fixed term of fifteen (15) years.

Section 104. — Production of Weapons by Means of Genetic Engineering. *[Note: Act No. 246-2014 amended Sect. 104, but the official translation is not available. Please consult the Spanish version]*

Any person who uses genetic engineering to produce biological weapons or weapons of mass destruction shall be punished by imprisonment for a fixed term of ninety-nine (99) years.

Section 105. — Handling of Gametes, Zygotes and Human Embryos. *[Note: Act No. 246-2014 amended Sect. 105, but the official translation is not available. Please consult the Spanish version]*

Any person who handles human gametes, zygotes, or embryos for purposes other than those authorized by its donors shall be punished by imprisonment for a fixed term of eight (8) years.

Section 106. — Mixing Human Gametes with Gametes of Other Species. *[Note: Act No. 246-2014 amended Sect. 106, but the official translation is not available. Please consult the Spanish version]*

Any person who mixes human gametes with gametes of other species for reproductive purposes shall be punished by imprisonment for a fixed term of fifteen (15) years.

This Article does not prohibit the creation of animals in which human genes have been inserted into their genome (transgenic animals).

Section 107. — Other Penalties.

In addition to the penalties provided for the offenses established in this Section, the court, at its discretion, may order the suspension or revocation of any license, permit, or authorization pursuant to Article 60. Upon conviction of a juridical entity, the court may also order the suspension or revocation of any license, permit, or authorization pursuant to Article 78.

CHAPTER II — OFFENSES AGAINST BODILY INTEGRITY

Section 108. — Assault.

A person who unlawfully, by any means or in any manner, inflicts bodily injury to another shall be guilty of a misdemeanor.

Section 108A. — Assault of an Umpire, a Referee, a Judge, a Sports Official, or Any Other Person Discharging Official Duties in a Sporting Event.

Any person who unlawfully, by any manner of means, inflicts a bodily injury upon another person as a result of the official performing his official duties as an umpire, a referee, a judge, a sports official, or any other official duty in a sporting event shall be guilty of a misdemeanor and punished by imprisonment for a term not to exceed six (6) months, house arrest or community service not to exceed six (6) months, and/or a fine not to exceed five thousand dollars ($5,000), but not less than two thousand five hundred dollars ($2,500).
If the assault results in an injury involving hospitalization, extended treatment, or maiming it shall be punishable by the penalties established in Articles 109 and 109A, as appropriate.

[Amendments: Added by Act No.67-2019]

Section 109. — Aggravated Assault.

If the assault described in Article 108 results in an injury that requires hospitalization, or long-term treatment, excluding maiming, it shall be punished by imprisonment for a fixed term of eight (8) years.

This modality also includes those involving the transmission of a disease when the defendant has knowledge thereof.

If assault results in maiming, it shall be punished by imprisonment for a fixed term of fifteen (15) years.

Maiming shall mean to inflict a permanent injury in any part of the body of a person, face disfigurement, or to permanently disable a person's ability to hear, see, or speak.

Section 109A. — *[Note: Act No. 246-2014 hereby added a new Sect. 109A, but the official translation is not available. Please consult the Spanish version]*

Section 110. — Negligent Injury. *[Note: Act No. 246-2014 amended Sect. 110, but the official translation is not available. Please consult the Spanish version]*

Any person who, due to negligence, causes bodily injury requiring hospitalization or prolonged treatment shall be guilty of a misdemeanor and punished by imprisonment for a fixed period of three (3) years.

If the negligent injury causes mayhem, the offender shall be guilty of a felony and punished by imprisonment for a fixed period of eight (8) years.

Mayhem shall mean to cause permanent bodily damage to a person, face disfigurement, or permanently disable all capability to hear, see, or listen.

[Amendments: Act No. 246-2014; Act 113-2017]

Section 111. — Acts that Violate Bodily Integrity in Connection with Initiation (Hazing).

Any person who negligently endangers the physical or mental health or violates the human dignity of a prospective member for the purpose of initiation of into an organization, fraternity, sorority, engages in acts which violate the dignity and personal integrity of the prospective member, shall be guilty of a misdemeanor.

Acts that violate the dignity and personal integrity shall mean the forced consumption of food, liquor, alcoholic beverages, narcotic drugs, or other substance; extensive physical activity; exposure to extreme weather conditions; extended deprivation of food, rest, or sleep; extended isolation; any type of scrape, blow, whipping, beating, burning, or branding; and any activity that endangers the physical or mental health or safety of the prospective member.

It is further provided that any educational institution that negligently allows the acts prohibited herein to occur on any property that is owned, possessed, under the custody or control thereof, shall be guilty of a misdemeanor.

CHAPTER III — OFFENSES AGAINST THE FAMILY

SECTION ONE — **Of Offenses against Civil Status**

Section 112. — Bigamy.

Any person who marries without having annulled or dissolved a prior marriage or having declared the prior spouse absent as provided by law, shall be guilty of a misdemeanor.

Section 113. — Unmarried Party.

Any unmarried person who knowingly marries a married person shall be guilty of a misdemeanor.

Section 114. — Unlawfully Solemnizing a Marriage.

Any person authorized to solemnize marriages who knowingly solemnizes or authorizes a marriage prohibited under civil law shall be guilty of a misdemeanor.

Section 115. — Unlawful Marriages.

A person shall be guilty of a misdemeanor upon:

(a) Solemnizing a marriage without being authorized to do so.

(b) Entering into a marriage prohibited under civil law.

Section 116. — Adultery.

Any married person who has sexual intercourse with any other person not his or her spouse shall be guilty of a misdemeanor.

Prosecution for adultery shall be commenced within one year after the commission of the offense or after the complainant becomes aware thereof.

If adultery is committed by a married woman and an unmarried man, or by a married man and an unmarried woman, the unmarried man or woman shall be guilty of adultery.

SECTION TWO — **Of Due Protection of Minors**

Section 117. — Failure to Pay Child Support. *[Note: Act No. 246-2014 amended Sect. 117(a), but the official translation is not available. Please consult the Spanish version]*

Every father or mother who, without lawful excuse, fails to provide support for a child as required by law or a court shall be guilty of a misdemeanor.

(a) *Undisputed Parentage.* When the defendant has acknowledged parentage before the court prior to the commencement of trial, or when paternity or maternity is not in dispute, the trial shall be held; and, if the defendant is found guilty of failure to pay child support, the court, through judgment, shall set a reasonable amount for child support and advise the defendant that failure to comply with said judgment without lawful excuse may be punishable as civil contempt.

(b) *Disputed Parentage.* When the defendant denies parentage, the court shall grant the defendant a period not to exceed ten (10) days to answer the pleading and immediately hold a trial in which the rules of evidence in effect shall be followed. Within five days after weighing the evidence, the judge shall rule on parentage and, if proven, shall make a record, enter the appropriate judgment, and also fix the amount of child support to be paid.

(c) *Other Procedural Provisions.* After the preliminary proceedings provided in the preceding two paragraphs, the case for failure to pay child support shall continue and judgment shall be entered on such matter. The court shall have discretion to suspend the execution of the judgment if deemed necessary to ensure the welfare of the minor.

The defendant may appeal a judgment on parentage and on failure to meet child support in a single action. Hearings on these cases shall be given preference in the calendar of the court of appeals.

The filing of an appeal on a judgement or order entered under this Article shall not stay the execution of the judgment ordering payment of child support, and the defendant shall be required to deposit with the Clerk of the Court of First Instance the amount set as child support. At the request of an interested party, the court, upon hearing the testimony of both parties, may authorize the Clerk to make the amounts deposited available to the obligee until judgment is entered. If judgment is entered in favor of the defendant, the obligee shall be required to return the amounts deposited by the defendant. If the appellate court affirms the judgment, but reduces the amount set as child support, the difference between such amounts shall be credited to future payments to be deposited by the defendant in favor of the obligee. If the defendant fails to pay the child support set, a hearing shall be held and if good cause is not shown, the court shall dismiss the appeal.

When the judgment becomes final, the court shall issue an order accompanied by a certified copy of the acknowledgment of parentage form or the determination of parentage made by the judge, directed to the registrar of Vital Statistics for registration of the minor as child of the defendant with all other details required in the birth certificate for all purposes.

In all actions under this Article, including hearings on failure to pay child support, the public interest shall be represented by the prosecutor's office.

Section 118. — Abandonment of a Child. *[Note: Act No. 246-2014 amended Sect. 118, but the official translation is not available. Please consult the Spanish version]*

The father or mother of a child or person charged with the support or education of a child who deserts the child in any place with the intent to abandon the child shall be punished by imprisonment for a fixed term of three (3) years.

When, as a result of the abandonment, the life, health, bodily integrity, or sexual indemnity of the child are endangered, the person shall be punished by imprisonment for a fixed term of eight (8) years.

Section 119. — Exclusion.

Surrendering a minor to a childcare institution, whether public or private, by the parents, one of the parents, or guardian shall not constitute abandonment of a child. The directors, officials, or employees of the institution shall not require any information about the mother or the father of the surrendered child, unless the child shows signs of abuse.

The Commonwealth of Puerto Rico shall assume the parental rights of the child and the sheltering institution shall assume physical custody of the child until the Department of the Family provides otherwise.

Any mother who surrenders her child to a public or private hospital shall not be guilty of abandonment of a child in accordance with the provisions of Act No. 186-2009, known as the "Comprehensive Adoption Proceedings Reform Act of 2009." *[Note: Repealed and replaced by Act No. 61-2018. "Puerto Rico Adoption Act"].*

Section 120. — Child Abduction. *[Note: Act No. 246-2014 amended Sect. , but the official translation is not available. Please consult the Spanish version]*

Any person who, by force, violence, intimidation, fraud, or deceit takes a child for the purpose of withholding or concealing such child from the parents, guardian, or custodian of said child shall be punished by imprisonment for a fixed term of fifty (50) years.
An aggravated sentence shall be imposed when the conduct prohibited in the previous paragraph is carried out in:

(a) a public or private hospital institution;
(b) a public or private elementary, middle-or high-school;
(c) an occupied building or its premises;
(d) a child care center; or
(e) a park, recreational area, or shopping mall.

Section 121. — Deprivation of Custody. *[Note: Act No. 246-2014 amended Sect. 121, but the official translation is not available. Please consult the Spanish version]*

Any person who, not having a right to do so, deprives a father, mother, or any other person of the lawful custody of a child or an individual with disabilities, shall be guilty of a misdemeanor.
When any of the following circumstances occur, it shall be considered a felony punishable by imprisonment for a fixed term of eight (8) years:

(a) If the child is taken outside the jurisdiction of the Commonwealth of Puerto Rico.
(b) If the non-custodial parent residing outside of Puerto Rico fails to return the child to the home of the custodial parent.
(c) If a person conceals or knowingly refuses to reveal the whereabouts of a child who has escaped the custody of State or against whom an order of commitment has been issued.

Section 122. — Profiting from Adoption. *[Note: Act No. 246-2014 amended Sect. 122, but the official translation is not available. Please consult the Spanish version]*

Any person who, for profit, receives, offers, or gives money or other property in exchange for surrendering a child for adoption in violation of the law governing adoptions, shall be punished by imprisonment for a fixed term of three (3) years.

An aggravated sentence shall be imposed when the child subject to adoption is the biological child of the defendant or when the defendant and the child are related within the second degree of consanguinity or affinity.

This provision does not include cases involving surrogacy.

Section 123. — Corruption of Minors. *[Note: Act No. 246-2014 amended Sect. 123, but the official translation is not available. Please consult the Spanish version]*

The following shall be punishable by imprisonment for a fixed term of three (3) years:

(a) Any person who uses a minor who has not attained the age of eighteen (18) years to commit an offense.

(b) Any person who intoxicates, abets, advises, encourages, or aids in intoxicating a minor who has not attained the age of eighteen (18) years.

(c) Any person who authorizes, abets, allows, or commands a minor who has not attained the age of eighteen (18) years to engage in public mendicancy, participate in games of chance, or remain in a house of prostitution or sodomy.

(d) Any owner, businessperson, administrator, manager, director, clerk, or employee of a public establishment or business who consents to or tolerates the commission of any of the acts set forth in subsection (a) in said establishment.

(e) Any owner, administrator, or person in charge of any establishment used in whole or in part as a bar, casino, or gambling place who allows a minor who has not attained the age of eighteen (18) years to participate in games of chance.

(f) Any owner, administrator, person in charge or employee of a house of prostitution or sodomy who allows a minor who has not attained the age of eighteen (18) years to be present therein.

If a permit or license has been issued to an establishment or place mentioned in this Article, said permit or license may be cancelled or revoked.

In accordance with the provisions of Article 46 of this Code, criminal liability may also be imposed on the juridical person owning or responsible for the administration of the establishment.

Section 124. — Enticing a Minor through use of the Internet or Electronic Communication (Grooming). *[Note: Act No. 246-2014 and Act No. 108—2024 amended Sect. 124, but the official translation is not available. Please consult the Spanish version]*

Any person who knowingly uses any telematics system to entice or persuade a minor to meet with the intent to engage in prohibited sexual conduct under this Penal Code or other penal laws shall be punished by imprisonment for a fixed term of eight (8) years.

SECTION THREE — **Of Due Protection of Elderly Persons and Persons with Disabilities**

Section 125. — Failure to Provide Support. *[Note: Act No. 246-2014 amended Sect. 125, but the official translation is not available. Please consult the Spanish version]*

Any person who, without lawful excuse, fails to meet an obligation imposed by law or the court to provide support for another person, whether a spouse or an adult ancestor or descendant, shall be guilty of a misdemeanor.

Section 126. — Abandonment of Elderly Persons and Persons with Disabilities. *[Note: Act No. 246-2014 amended Sect. 126, but the official translation is not available. Please consult the Spanish version]*

Any person having a duty to care for an elderly person or a person with disabilities who is not able to care for him or herself, who deserts said person in any place with the intent to abandon such person, shall be punished by imprisonment for a fixed term of three (3) years.

When, as a result of the abandonment, the life, health, bodily integrity, or sexual indemnity of the person is endangered, the defendant shall be punished by imprisonment for a fixed term of eight (8) years.

Section 127. — Negligent Care of Elderly and Disabled Persons.

Any person compelled by law or the court to feed and care of an elderly or disabled person who is negligent and fails to duly care of such person thereby putting their life, health, physical integrity, or sexual indemnity at risk shall be punished with a fixed term of imprisonment of two (2) years.

When the offense is committed by the operator of a substitute home, the person shall be punished with a fixed term of imprisonment of four (4) years. For the purposes of this Article, substitute home shall mean the home of a family that, for pay, engages in the regular day care of up to six (6) elderly persons who are not related to said family.

[Amendments: Act No. 246-2014; Act No. 138-2014]

Section 127-A. — Elder Abuse.

Any person guilty of physical, emotional, and financial abuse, assault, theft, embezzlement, threats, fraud, or rape against an elderly person, that causes harm or puts the elderly person at risk of suffering harm to his health, wellbeing, or property shall be punished with a fixed term of imprisonment of ten (10) years.

[Amendments: Added by Act No. 138-2014]

Section 127-B. — Elder Abuse Through Threats.

Any person who threatens to cause harm to an elderly person, to another person, or to the property valued by him shall be punished with a fixed term of imprisonment of six (6) years.

[Amendments: Added by Act No. 138-2014]

Section 127-C. — Elder Financial Exploitation.

(a) Types

(1) The improper use of the funds, real or personal property, or the resources of an elderly person by another individual including, but not limited to: false pretenses, the misappropriation of funds, coercion, property transfers, or denying access to their wealth.

(2) Any person who, aware of an elderly or disabled person's inability to give consent, whether or not they enjoy a relationship of trust with such person and/or has a business

relationship with such person, obtains, uses, or conspires with a third party whether intentionally or through deceit or intimidation to obtain or use the funds, assets, or real or personal property of the elderly or disabled person for the purpose of depriving them, either temporarily or permanently, of their use, benefit, or possession, for their own use or benefit or that of a third party.

(b) Penalties

(1) In cases in which the amount of funds, assets, or real or personal property involved in the financial exploitation of an elder or disabled person reaches up to $2,500.00, the offender shall be guilty of a misdemeanor.

(2) In cases in which the amount of funds, assets, or real or personal property involved in the financial exploitation of an elder or disabled person equals $2,501.00 or more, the offender shall be guilty of a felony.

(3) In all cases, the Court shall impose a penalty of restitution in addition to the established penalty.

[Amendments: Act No. 138-2014]

Section 127-D. — Lien-related Fraud Against the Elderly.

Any person who taking advantage of the needs, inexperience, mental illness, or intellectual disability of an elderly or disabled person, for the purpose of benefitting himself or another, makes an elderly person transfer or encumber any real or personal property, regardless of whether the act is null or if it causes harm to the elderly person or a third party, shall be punished by a fixed term of imprisonment of eight (8) years. Moreover, the Court shall impose a penalty of restitution in addition to the established penalty.

[Amendments: Added by Act No. 138-2014]

SECTION FOUR — **Of Respect for the Dead**

Section 128. — Desecration of Human Corpse or Ashes.

Any person who unlawfully mutilates, exhumes, or removes a human corpse, or part thereof, or the remains or ashes of a deceased human being from a grave or place where the body is deposited awaiting burial or cremation, or otherwise desecrates it, shall be punished by imprisonment for a fixed term of three (3) years.

Section 129. — Desecrating a Place of Burial or Disrupting a Funeral.

Any person who desecrates the place of burial of a human corpse, memorial marker intended to honor a deceased person or object containing the remains or ashes thereof, or interferes or disrupts a funeral, wake, or memorial service, shall be guilty of a misdemeanor.

CHAPTER IV — OFFENSES AGAINST SEXUAL INDEMNITY

SECTION ONE — **Of Sexual Offenses**

Section 130. — Sexual Assault. *[Note: Act No. 246-2014 and Act No. 108-2024 amended Sect. 130, but the official translation is not available. Please consult the Spanish version]*

Any person who performs, or causes another person to perform, oral, vaginal, or anal intercourse, whether genital, digital, or instrumental under any of the following circumstances shall be punishable by imprisonment for a fixed term of fifty (50) years:

(a) The victim has not attained the age of sixteen (16) at the time of the commission of the act.

(b) Due to a temporary or permanent mental illness or disability, the victim is incapable of appraising the nature of the act at the time of its commission.

(c) The victim is compelled into the act by physical force, violence, intimidation, or threat of serious and immediate bodily injury.

(d) The victim's capacity to consent has been impaired or diminished, without the victim's knowledge or consent, due to the influence of hypnotics, narcotics, depressants, or stimulants, or other similar means or substances.

(e) The victim is, at the time of the commission of the act, unconscious of the nature of the act, and this is known to the defendant.

(f) The victim submits to the act under the belief that the defendant is known to the victim, induced by any artifice, pretense, or concealment practiced by the defendant.

(g) The victim is forced or induced by means of abuse or physical or psychological violence into participating or becoming involved in unwanted sexual acts with third parties.

(h) The defendant holds a position of trust or authority in relation to the victim as the victim's custodian, guardian, or provider of primary, secondary, or special education, medical or psychotherapeutic treatment, or any type of counseling, or as leader of religious group or otherwise.

An aggravated sentence shall be imposed when this offense is committed under any of the following circumstances:

(1) at the home of the victim or any other place where the victim has a reasonable expectation of privacy;

(2) when it results in pregnancy; or

(3) when it results in the transmission of a sexually transmitted disease, and this is known to the defendant;

(4) the conduct classified in subsection (c) of this Article is committed against the current or former spouse or partner of the defendant, or a person with whom the defendant has

had or has an intimate or romantic relationship, or with whom the defendant shares a child.

If the conduct classified in subsection (a) is committed by a minor who has not attained the age of eighteen (18), said person shall be punished by imprisonment for a fixed term of eight (8) years, if prosecuted as an adult.

Section 131. — Incest. *[Note: Act No. 246-2014 and Act No. 108-2024 amended Sect. 131, but the official translation is not available. Please consult the Spanish version]*

Persons who are related, as an ancestor or descendant, by consanguinity, adoption or affinity, or collateral consanguinity or adoption within the third degree, or by sharing or having the physical or legal custody, and who perform oral, vaginal, or anal penetration whether genital, digital or instrumental shall be punished by imprisonment for a fixed term of fifty (50) years.

An aggravated sentence shall be imposed when the offense of incest is committed under any of the following circumstances:

(a) when it results in pregnancy; or

(b) when it results in the transmission of a sexually transmitted disease, and this is known to the defendant.

If the conduct is committed by a minor who has not attained the age of eighteen (18) years, said person shall be punished by imprisonment for a fixed term of eight (8) years, if prosecuted as an adult.

Section 132. — Essential Elements of Sexual Assault and Incest.

Sexual assault or incest essentially consist of assault inflicted upon the physical, psychological, or emotional integrity and the dignity of a person.

Any oral, vaginal, or anal penetration whether genital, digital or instrumental, however slight, is sufficient to complete the offense.

Section 133. — Lewd Acts. *[Note: Act No. 246-2014 and Act No. 108-2024 amended Sect. 133, but the official translation is not available. Please consult the Spanish version]*

Any person who, without attempting to complete the offense of sexual assault described in Article 130, submits another person to an act with the intent to arouse, excite, or gratify the sexual response or desire of the defendant, under any of the circumstances stated below, shall be punished by imprisonment for a fixed term of eight (8) years.

(a) If the victim has not attained the age of sixteen (16) at the time of the commission of the act.

(b) If the victim was coerced to submit through the application of physical force, violence, intimidation, or threat of serious and immediate bodily injury or the use of hypnotics, narcotics, depressants, or stimulants, or other similar means or substances.

(c) If the victim, due to a temporary or permanent mental illness or disability, was incapable of understanding the nature of the act.

(d) If the victim was coerced to submit by means of deception which substantially impaired or diminished, without the victim's knowledge, the victim's capacity to consent.

(e) If the victim was, at the time of the commission of the act, unconscious of the nature of the act, and this is known to the defendant.

(f) If the defendant is related to the victim, as an ancestor or descendant, by consanguinity, adoption or affinity, or collateral consanguinity or adoption, within the third degree, or for sharing or having physical or legal custody of the victim.

(g) The defendant holds a position of trust or authority in relation to the victim as the victim's custodian, guardian, or provider of primary, secondary, college instruction, or special education, medical or psychotherapeutic treatment, or any type of counseling, or as leader of religious group or otherwise.

When the offense is committed in any of the modalities described in subsections (a) and (f) of this Article or is committed at the home of the victim or any other place where the victim has a reasonable expectation of privacy, it shall be punishable by imprisonment for a fixed term of fifteen (15) years.

Section 134. — Bestiality.

Any person who engages, or incites, coerces, or aids another person to engage in any form of sexual intercourse with an animal shall be punished by imprisonment for a fixed term of three (3) years.

Section 135. — Sexual Harassment.

Any person who, within the context of a work, educational, or service rendering relationship, requests sexual favors for himself or for a third party, and submission to such conduct is made a condition of said work, educational, or service rendering relationship, or with such sexual conduct knowingly creates an intimidating, hostile, or offensive working environment for the victim, shall be punished by imprisonment for a fixed term of three (3) years.

[Amendments: Act No. 246-2014; Act No. 53-2019]

SECTION TWO — **Of Offenses against Morals**

Section 136. — Indecent Exposure.

Any person who exposes the private parts of his or her body in any place where there are present one or several persons, including law enforcement officers, who are offended or annoyed thereby, shall be guilty of a misdemeanor.

This conduct does not include the act of breastfeeding an infant.

Section 137. — Repealed. *[Note: Act No. 246-2014 repealed Sect. 137]*

SECTION THREE — **Of Prostitution and Related Activities**

Section 138. — Prostitution. *[Note: Act No. 246-2014 amended Sect. 138, but the official translation is not available. Please consult the Spanish version]*

Any person who engages, agrees, offers to engage, or solicits another person to engage in sexual conduct in return for money, fee, compensation, or any form of payment shall be guilty of a misdemeanor.

For the purposes of this Section, the gender of the parties that engage in, agree, offer, or solicit to engage in sexual conduct shall not be considered a defense.

Section 139. — Houses of Prostitution and Sodomy. *[Note: Act No. 246-2014 amended Sect. 139, but the official translation is not available. Please consult the Spanish version]*

The following acts shall constitute a misdemeanor:

(a) Any person who owns or operates, under any denomination, a house or part thereof, a building or part thereof, or premises thereof for purposes of assignation, prostitution, or sodomy, or otherwise manages, controls, or administers, or participates in the property, operation, control, or administration thereof.

(b) Any person who, as owner or administrator, or under any denomination, leases a house or part thereof, building or part thereof, or any premises thereof to be used for assignation, prostitution, or sodomy.

(c) Any person who, as owner, administrator, manager, person in charge, or under any denomination, has a house or part thereof, building or part thereof, or any premises thereof, allows the habitual presence therein of one or various persons for assignation, prostitution, or sodomy.

It is hereby provided that regarding establishments or places referred to in this Article, the court shall also order the revocation of any licenses, permits, or authorizations to operate.

In accordance with the provisions of Article 46 of this Code, criminal liability shall be imposed on a juridical person that owns or manages the establishment.

Section 140. — Repealed. *[Note: Act No. 246-2014 repealed Sect. 140]*

Section 141. — Pimping, Pandering, and Human Trafficking. *[Note: Act No. 246-2014 amended Subsection 141(a), but the official translation is not available. Please consult the Spanish version]*

Any person who engages in the following acts shall be punished by imprisonment for a fixed term of three (3) years:

(a) For profit, or to satisfy the lewdness of another, promotes or facilitates the prostitution of another person, even with said person's consent.

(b) Makes the prostitution of others his or her means of support.

(c) Promotes or enables the entrance into or exit from the Commonwealth of Puerto Rico of another person, even with said person's consent, to have the person engage in the practice prostitution or sodomy.

Section 142. — Aggravated Pimping, Pandering and Human Trafficking.

Every person who commits the offense provided in Article 141 shall be punished by imprisonment for a fixed term of eight (8) years in the event of any of the following circumstances:

(a) If the actor is an ascendant, a descendent, a spouse, a sibling, a guardian or the person in charge of the education, guardianship, or has the custody of the victim.

(b) If the prostitution or sodomy of more than one person is promoted or enabled.

[Amendments: Act No. 159-2020]

SECTION FOUR — **Of Obscenity and Child Pornography**

Section 143. — Definitions.

For the purposes of this Section, the following terms or phrases shall have the meaning stated below:

(a) *Obscene conduct.* Means any physical human body activity, whether performed or engaged in alone or with other persons, including but not limited to singing, speaking, dancing, acting, simulating, or pantomiming, taken as a whole, that to the average person, applying contemporary community standards:

(1) Appeals to the prurient interest, that is, a morbid interest in nudity, sexual conduct, or physiological functions;

(2) Represents or describes sexual conduct in a patently offensive manner; and

(3) Lacks serious literary, artistic, political, religious, scientific, or educational value.

The appeal of the behavior towards prurient interests shall be judged with reference to the average adult, unless it appears from the nature of such behavior or the circumstances of its production, presentation, or exhibition that it is designed for deviant sexual groups, in which case, the predominant appeal of the behavior shall be judged with reference to its intended recipient group.

In prosecutions under this Section where circumstances of production, presentation, or exhibition indicate that the defendant is commercially exploiting the obscene conduct for the sake of its prurient appeal, such circumstances shall constitute prima facie evidence that said conduct lacks any serious literary, artistic, religious, scientific, or educational value.

When the prohibited conduct is intended for or in the presence of minors it shall be sufficient for the material to be intended to awaken a prurient interest in sex.

(b) *Sexual Conduct.* Means:

(1) patently offensive representations or descriptions of consummated sexual acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy, and bestiality; or

(2) patently offensive representations or descriptions of masturbation, oral copulation, sexual sadism, sexual masochism, lewd exhibition of the genitals, stimulation of human genitalia with objects intended for such purposes, or excretory functions, whether or not any such conduct is performed alone or between members of the same or opposite sex or between humans and animals.

(c) *Material.* Means any book, magazine, newspaper, or any other written, printed, or digital material, or any picture, photograph, drawing, caricature, motion picture, film, or other pictorial representation; or any verbal or visual representation transmitted or retransmitted through cables, electromagnetic waves, computers, digital technology, or any other electronic media or telematics system; or any statue, carving or figure, sculpture; or any recording, transcription, or mechanical, chemical, or electrical reproduction, or any other article, equipment, or machine.

(d) *Material Harmful to Minors.* Means any material that explicitly describes the nudity of the human body, performance of sexual conduct or sexual excitement, or of such a nature that, when considered, in whole or in part, within its context:

(1) appeals predominantly to the prurient, shameful, or morbid interest of minors;

(2) is patently offensive to the contemporary standards in the adult community with regard to what is suitable for minors; and

(3) lacks any serious social value for minors.

(e) *Obscene Material.* Means material that, taken as a whole, to the average person, upon applying contemporary community standards:

(1) appeals to prurient interest, that is, a morbid interest in nudity, sexual conduct, or physiological functions;

(2) represents or describes sexual conduct in a patently offensive manner; and

(3) lacks any serious literary, artistic, religious, scientific, or educational value.

The appeal of the material towards prurient interest in sex is judged in reference to the average adult, unless it appears from the nature of said material, or the circumstances of its dissemination, distribution, or exhibition that it is designed for deviant sexual groups, in which case the appeal of the matter shall be judged with reference to its intended recipient group.

In prosecutions under this Section where the circumstances of the production, presentation, sale, dissemination, distribution, or publicity indicate that the defendant is commercially exploiting the material for the sake of its prurient appeal, such proof shall constitute prima facie evidence that said material lacks serious literary, artistic, religious, scientific, or educational value.

When the prohibited conduct is intended for or in the presence of minors, it shall be sufficient for the material to be intended to awaken a prurient interest in sex.

(f) *Child Pornography.* Means any representation of sexually explicit conduct, any act of masturbation, sadomasochistic abuse, actual or simulated sexual intercourse, deviate sexual intercourse, bestiality, homosexuality, lesbianism, acts of sodomy, or the lewd exhibition of genitalia performed by persons under the age of eighteen (18).

(g) *Sado-masochistic Abuse.* Means flagellation or torture by or upon a person, or the condition of being fettered, bound, or otherwise physically restrained as an act of sexual gratification or stimulation.

Section 144. — Sending, Transporting, Selling, Distributing, Publishing, Exhibiting, or Possessing Obscene Material. *[Note: Act No. 246-2014 amended Sect. 144, but the official translation is not available. Please consult the Spanish version]*

Any person who knowingly sends or causes to be sent, transports or causes to be transported, brings or causes to be brought obscene material to Puerto Rico for sale, exhibition, publication, or distribution, or who possesses, prepares, publishes, or prints any obscene material in Puerto Rico with the intent to distribute, sell, or exhibit it to others, or to offer it for distribution or sale, shall be guilty of a misdemeanor.

If the offense described in the previous paragraph is intended for or carried out in the presence of a minor, or if a minor is used to do or assist in doing the prohibited conduct, it shall be punishable by imprisonment for a fixed term of three (3) years.

The provisions of this Article with respect to the exhibition of any obscene material or the possession thereof with the intent to exhibit such material, shall not apply to any employee, projectionist, or operator of a cinematographic device who has been employed and is acting within the scope of his employment; provided, that said employee, projectionist, or operator does not have a proprietary interest of any sort in the place or business in which he or she is employed.

Section 145. — Presentation of Obscene Live Conduct. *[Note: Act No. 246-2014 amended Sect. 145, but the official translation is not available. Please consult the Spanish version]*

Any person who knowingly engages or participates in the management, production, sponsorship, presentation, or exhibition of obscene live conduct or participates in a segment thereof, or contributes to its obscenity, shall be guilty of a misdemeanor.

If the conduct described in the preceding paragraph is intended for or carried out in the presence of a minor, it shall be punished by imprisonment for a fixed term of three (3) years.

Section 146. — Production of Child Pornography. *[Note: Act No. 246-2014 and Act No. 108-2024 amended Sect. 146, but the official translation is not available. Please consult the Spanish version]*

Any person who knowingly promotes, allows, participates in, or directly contributes to the creation or production of child pornography material or live conduct shall be punished by imprisonment for a fixed term of fifteen (15) years.

Section 147. — Possession and Distribution of Child Pornography. *[Note: Act No. 246-2014 and Act No. 108-2024 amended Sect. 147, but the official translation is not available. Please consult the Spanish version]*

Any person who knowingly possesses or buys child pornography material or live conduct shall be punished by imprisonment for a fixed term of twelve (12) years.

Any person who knowingly prints, sells, exhibits, distributes, publishes, transmits, transfers, sends, or disseminates child pornography material or live conduct shall be punished by imprisonment for a fixed term of fifteen (15) years.

Section 148. — Use of a Minor for Child Pornography. *[Note: Act No. 246-2014 and Act No. 108-2024 amended Sect. 148, but the official translation is not available. Please consult the Spanish version]*

Any person who uses, persuades, or induces a minor to engage in posing, or modeling, or engage in sexual conduct for the purpose of preparing, printing, or exhibiting child pornography material, or to participate in a child pornography live conduct shall be punished by imprisonment for a fixed term of fifteen (15) years.

A person shall be punished by imprisonment for a fixed term of twenty (20) years when:

(a) the defendant is a relative of the victim, whether an ancestor or a descendant, by consanguinity, adoption, or affinity up to the third degree or by sharing or having the physical or legal custody; or

(b) the conduct takes place in the home or the place where the victim is cared for.

Section 149. — Exhibition and Sale of Material Harmful to Minors. *[Note: Act No. 246-2014 amended Sect. 149(c), but the official translation is not available. Please consult the Spanish version]*

Any person who engages in the following shall be guilty of a misdemeanor:

(a) Any person having supervision, control, or custody of a commercial or business establishment who knowingly exhibits or displays any material which is harmful to minors in such areas of the establishment or premises thereof where minors, as part of the general public will be exposed to view such material.

(b) Any person having supervision, custody, or control of a movie theater in which motion pictures containing material harmful to minors are shown and who knowingly sells an admission ticket or otherwise allows a minor to enter such an establishment.

(c) Any person who knowingly sells, loans, or makes available to a minor material containing information or images that are harmful to minors shall be punished by imprisonment for a fixed term of three (3) years.

For the purposes of this Article, commercial or business establishment includes, without limitation, bars, night clubs, theater cafes, and other similar places of entertainment.

In accordance with Article 46 of this Code, criminal liability shall be imposed on the juridical person that owns or administers the establishment.

Section 150. — Advertising Obscene Material or Child Pornography. *[Note: Act No. 246-2014 amended Sect. 150, but the official translation is not available. Please consult the Spanish version]*

Any person who prepares, exhibits, publishes, advertises, or solicits another person to publish or exhibit such advertising of obscene material or child pornography, or otherwise promotes the sale or distribution of such material shall be guilty of a misdemeanor. If the conduct described in this paragraph is committed in the presence of a minor, it shall be punishable by imprisonment for a fixed term of three (3) years.

If the obscene material is child pornography, the person shall be punished by imprisonment for a fixed term of eight (8) years.

Section 151. — Tie-in Sale or Distribution. *[Note: Act No. 246-2014 amended Sect. 151, but the official translation is not available. Please consult the Spanish version]*

A person shall be guilty of a misdemeanor if, knowingly as a condition to the sale, allocation, consignment, or delivery for resale of any newspaper, magazine, book, publication, or other merchandise:

(a) requires that the purchaser or consignee receive any obscene material;

(b) denies or threatens to deny a franchise, revokes, or threatens to revoke a franchise; or

(c) imposes any penalty, financial or otherwise, by reason of the failure of any person to accept such material or by reason of the return of such material.

If the obscene material is child pornography, the person shall be punished by imprisonment for a fixed term of eight (8) years.

Section 152. — Transmission or Retransmission of Obscene Material or Child Pornography.

Any person who knowingly distributes obscene material through any telematics system or other means of communication shall be guilty of a misdemeanor.

When the material consists of child pornography, the person shall be guilty of a felony and punished by imprisonment for a fixed term of eight (8) years. If the convicted person is a juridical person, it shall be punished by a fine of up to thirty thousand dollars ($30,000).

[Amendments: Act No. 246-2014;Act 27-2017]

Section 153. — Seizure.

The Secretary of Justice, the Police Superintendent, or the Secretary of the Treasury, through their delegates or law enforcement officers, may seize any property or interest that any person has acquired in violation of the provisions of this Section, subject to the procedure established in Act No. 119-2011, the "Uniform Forfeiture Act of 2011."

Section 154. — Destruction of Material.

Upon final conviction of the defendant for any of the offenses included in this Section, the court shall order the destruction of any obscene material or advertisement, or child pornography, in respect whereof the defendant stands convicted and which remains in the possession or control of the court, prosecution, or law enforcement officer.

CHAPTER V — OFFENSES AGAINST CIVIL RIGHTS

SECTION ONE — **Of Unlawful Restraint**

Section 155. — Unlawful Restraint. *[Note: Act No. 246-2014 amended Sect. 155, but the official translation is not available. Please consult the Spanish version]*

Any person who intentionally and without lawful excuse restrains another person substantially interfering with that person's liberty shall be guilty of a misdemeanor.

Section 156. — Aggravated Unlawful Restraint. *[Note: Act No. 246-2014 amended Sect. 156, but the official translation is not available. Please consult the Spanish version]*

The offense of unlawful restraint shall be punishable by imprisonment for a fixed term of eight (8) years, if it is committed under any of the following circumstances:

(a) By means of violence, intimidation, fraud, or deception.
(b) By impersonating a public official.
(c) By any public official or employee abusing the authority inherent in duties or functions.
(d) Under the pretext that the person restrained suffers from a mental illness or disability.
(e) The person restrained has not attained the age of eighteen (18), has disabilities, and is not able to care for himself, or is mentally ill.
(f) The person restrained is or was the principal's spouse or domestic partner, or with whom the principal has had an intimate or romantic relationship, or with whom the principal has a child in common.

Section 157. — Kidnapping. *[Note: Act No. 246-2014 amended Sect. 157, but the official translation is not available. Please consult the Spanish version]*

Any person who by force, violence, intimidation, fraud, or deception removes or takes and secretes another person depriving such other person of his or her liberty shall be punished by imprisonment for a fixed term of twenty-five (25) years.

For kidnapping to constitute an offense, removal of the victim need not be for a substantial period or distance; it shall be sufficient to move or transfer the victim from one location to another.

Section 158. — Aggravated Kidnapping. *[Note: Act No. 246-2014 amended Sect. 158, but the official translation is not available. Please consult the Spanish version]*

Any person who commits the offense of kidnapping under any of the following circumstances shall be punished by imprisonment for a fixed term of fifty (50) years.

(a) When the offense is committed against a person who has not attained the age of eighteen (18), has a disability, and is not able to care for him or herself, or is mentally ill.
(b) When the offense is committed against the Governor of Puerto Rico, a legislator, or a Secretary of the Cabinet or the head of an agency or public corporation, judge, special independent prosecutor, or a prosecutor or juvenile prosecutor of the Department of Justice of Puerto Rico, whether appointed by the Governor of Puerto Rico or designated as such by the Secretary of Justice.
(c) When the offense is committed for the purpose of demanding ransom, committing an act contrary to law or an act against the will of the kidnapped person, or demanding from the State the release of any inmate that is serving a sentence or the release of a person arrested or charged with respect to the commission of an offense.
(d) When the kidnapping is initiated outside of the territorial limits of the Commonwealth of Puerto Rico and the person is either brought or sent to Puerto Rico.

Section 159. — Human Trafficking for Involuntary Servitude or Slavery, and Other Types of Exploitation.

Every person who commits the offense of Human Trafficking shall be punished by imprisonment for a fixed term of twenty (20) years if such person knowingly engages in any of the following acts:

1) Holds any person to a condition of involuntary servitude, forced labor, or any other type of exploitation, or obtains the labor or services of a person by any one of the following means:
  a. by means of force, deceit, fraud, physical or emotional coercion, intimidation, harm, or threat of any of the foregoing, against the victim or any other person.
  b. by means of abusing of actual or purported power, or taking advantage of the victim's position of vulnerability.
  c. by means of kidnapping, physical restraint, restriction of liberty, restriction of movement or communication, or confiscation or destruction of the victim's identification documents.
  d. By holding the victim, through any of the means described in paragraphs (a), (b), or (c) of this Article, to labor or any type of exploitation as the only alternative to pay off a debt of the victim or another person.

2) Recruits, entices, harbors, transports, provides, maintains, or obtains another person, intending or knowing that the person shall be held in a type of exploitation by any of the means provided in subsection (1) of this Article.

For purposes of this Article, labor, services, or exploitation shall include forced labor or services, servitude, debt bondage, mendicancy, domestic slavery, adoption by means of coercion, slavery and similar practices, or organ removal.

When the person who commits the offense of Human Trafficking established in this Article were the parent, tutor, or legal guardian of the victim, and the latter is a minor, or has a physical or intellectual impairment, such person shall be punished by imprisonment for a fixed term of twenty-five (25) years.

[Amendments: Act No. 159-2020]

Section 160. — Human Trafficking for Sexual Exploitation. *[Note: Act No. 246-2014 and Act No. 108-2024 amended Sect. 160, but the official translation is not available. Please consult the Spanish version]*

A person shall be guilty of Human Trafficking for sexual exploitation and punished by imprisonment for a fixed term of forty (40) years, if such person:

1) recruits, entices, harbors, transports, provides, maintains, or retains by means of force, threats of force, fraud, duress, coercion, violence, kidnapping, abuse of power or authority, or of a position of vulnerability of another intending or knowing that the person shall be submitted to a sexual activity.

2) obtains any other type of benefit from a sexual activity, as defined in this article, knowing that it was obtained by means of force, threats of force, deceit, fraud, duress, coercion, violence, kidnapping, abuse of power or authority, or of a position of vulnerability.

3) participates in a sexual activity, as defined in this Article, knowing that it was obtained by any of the means described in this Article.

When the person compelled to engage in or submitted to sexual exploitation has not attained the age of eighteen (18), it shall not be necessary to prove any element of vice of consent over such minor, as a requirement to be found guilty of said offense.

When the Human Trafficking offense established in this Article involves child pornography, incest, or sexual assault; or when the actor is the victim's parent or his ascendant, descendant, spouse, sibling, legal guardian or tutor, person in charge of his education, guardian or custodian, or when the victim is a minor or is mentally or physically impaired, such offense shall be punished by imprisonment for a fixed term of fifty (50) years.

For the purposes of this Article, sexual activity shall be deemed to be prostitution, pornography, servile marriage, exotic dancing, forced pregnancy, and any other type of sexual activity.

[Amendments: Act No. 159-2020]

Section 161. — Delay in the Examination of the Arrested Person.

Any public official or person who, having arrested any person, unreasonably and unnecessarily delays bringing the arrested person before a judge shall be punished by imprisonment for a fixed term of three (3) years.

To determine whether there was a delay in bringing a person before a judge, the reasonable time criterion warranted by such act shall be used.

Section 162. — Disobedience of Command of Writ of Habeas Corpus.

Any public official or person to whom a writ of habeas corpus is directed who, after service thereof, neglects or refuses to obey the command thereof shall be punished by imprisonment for a fixed term of three (3) years.

Section 163. — Avoidance of Command of Writ of Habeas Corpus.

Any public official or employee or person having in his or her custody or under his or her power any inmate for whom a writ of habeas corpus has been issued and for the purpose of eluding the service of such writ or to avoid the effect thereof, transfers the inmate to the custody of another person or places the inmate under the power or control of another or conceals or changes the place of his or her confinement or removes him or her without the jurisdiction of the court or judge issuing the writ shall be punished by imprisonment for a fixed term of three (3) years.

Section 164. — New Arrest or Imprisonment after Discharge.

Any person who, on his or her own or as a member of a court with authority to detain, unlawfully rearrests, detains, imprisons, or restrains of liberty for the same cause any person discharged upon a writ of habeas corpus, shall be punished by imprisonment for a fixed term of three (3) years.

Section 165. — Unlawful Detention and Undue Extension of Punishment. *[Note: Act No. 246-2014 amended Subsection 165**(c)**, but the official translation is not available. Please consult the Spanish version]*

Any officer or employee of an institution, detention center, or penal or correctional facility, or private institution devoted to detention under court orders for diversion or for serving time, or for security measure, shall be punished by imprisonment for a fixed term of three (3) years, if such officer or employee:

(a) receives any person without an order issued by a competent authority or without meeting the legal requirements;
(b) fails to obey a release order issued by a judge; or
(c) unduly extends the service of the punishment or security measure.

Section 166. — Unlawfully Issued Arrest or Search Warrant.

Any person who, unlawfully and without a finding of probable cause by a judge according to law, obtains and executes an arrest or a search warrant shall be punished by imprisonment for a fixed term of three (3) years.

Artículo 166A. — *[Note: Act No. 246-2014 added a new Sect. 166A, but the official translation is not available. Please consult the Spanish version]*

SECTION TWO — **Of Offenses against the Right to Privacy**

Section 167. — Unlawful Collection of Personal Information.

Any public employee or official who, without legal authority and for unlawful purposes, creates, maintains, or keeps records, files, manuals, lists, or indexes, or collects information and documents containing the names and data of persons, groups, and organizations when said persons, groups, or entities are in no way connected to the commission or attempt to commit an offense, or for the purpose of discriminating in obtaining a job or securing permanence therein, shall be punished by imprisonment for a fixed term of three (3) years.

Section 168. — Unlawful Video Recording. *[Note: Act No. 246-2014 amended Sect. 168, but the official translation is not available. Please consult the Spanish version]*

Any person who, without lawful excuse or without a legitimate investigative purpose, uses electronic or digital video recording equipment, with or without audio, to conduct secret surveillance in private places or in a place where there is a reasonable expectation of privacy shall be punished by imprisonment for a fixed term of three (3) years.

Section 169. — Recording of Communications by a Participant.

Any person who participates in a private personal communication, whether through a telematics system or any other means of communications and records such communication by mechanical device or otherwise without the express consent of all parties involved in such communication, shall be guilty of a misdemeanor.

Section 170. — Home Invasion.

Any person who enters or remains in an occupied dwelling or building belonging to another, or upon premises or land where it is located without the consent or against the express will of the occupant or the agent of the occupant, or who enters it surreptitiously or deceptively shall be guilty of a misdemeanor.

Section 171. — Breach of Personal Communications. *[Note: Act No. 246-2014 amended Sect. 171, but the official translation is not available. Please consult the Spanish version]*

Any person who, without being authorized to do so and, for the purpose of finding out or allowing another to find out, acquires documents, letters, emails, or any other documents or personal belongings of another person, or intercepts another person's telecommunications by any means, or retrieves or allows anyone else to retrieve communications records, remittances, or mail exchanged through entities that provide such services, or uses technical devices or instruments to listen into, transmit, record, or reproduce any text, sound, image, or any other communication signal or alters the contents thereof, shall be punished by imprisonment for a fixed term of three (3) years.

For the purposes of this Article, the fact that a person has access to the documents, personal belongings, or communications referred to above as part of his or her official duties shall not constitute in itself an "authorization" to find out or use such information beyond the scope of his or her duties.

Section 172. — Alteration and Use of Personal Data on File. *[Note: Act No. 246-2014 amended Sect. 172, but the official translation is not available. Please consult the Spanish version]*

Any person who, without being authorized to do so, takes possession, uses, modifies, or alters to the detriment of the owner of said data or a third party, any reserved, private or family data of a personal nature belonging to another which is recorded on disks or in electronic data files, or other type of file or record, whether public or private, shall be punished by imprisonment for a fixed term of three (3) years.

Section 173. — Disclosure of Personal Communications and Data. *[Note: Act No. 246-2014 amended Sect. 173, but the official translation is not available. Please consult the Spanish version]*

Any person who discloses, publishes, reveals, or transfers to a third party the data, communications, or discovered facts, or captured images referred to in Articles 171 (Breach of Personal Communications) and 172 (Alteration and Use of Personal Data on File), or who establishes a business to distribute or provide access to information obtained by other persons in violation of said Articles, or offers or solicits such distribution or access, shall be punished by imprisonment for a fixed term of three (3) years.

Section 174. — Protection for Juridical Persons.

The provisions of Article 171 (Breach of Personal Communications), Article 172 (Alteration and Use of Personal Data on File), and Article 173 (Disclosure of Personal Communications and Data) shall apply to any person who discovers, discloses, or transfers privileged data of juridical persons without the consent of its agents.

Section 175. — Aggravated Offense. *[Note: Act No. 246-2014 amended Sect. 175, but the official translation is not available. Please consult the Spanish version]*

If the offenses classified in Article 171 (Breach of Personal Communications), Article 172 (Alteration and Use of Personal Data on File), and Article 173 (Disclosure of Personal Communications and Data) are committed for purposes of financial gain by the persons in charge or responsible for disks, or computer or electronic data files or any other type of file or record, or by officials or employees in the performance of their duties, such persons shall be punished by imprisonment for a fixed term of eight (8) years.

The provisions of this Article shall also apply in the case of privileged data of juridical persons.

Section 176. — Disclosure of Trade Secrets.

Any person who, without good cause, to the detriment of another, discloses secrets coming to him or her in the course of his or her profession or religious ministry, office or employment, shall be guilty of a misdemeanor.

SECTION THREE — **Of Offenses against Public Peace**

Section 177. — Threats.

Any person who threatens another or various persons with inflicting specific harm to said person or his or her family, bodily integrity, rights, honor, or estate shall be guilty of a misdemeanor.

The person shall be guilty of a felony and punished by imprisonment for a fixed term of three (3) years, if as a result of said threat a building, meeting place, or public transportation facility is evacuated.

[Amendments: Act 27-2017]

Section 178 — Disturbance of Public Peace.

Any person who, through a telematics system or any other means proffers or writes to another using threatening, abusive, obscene, or lewd language; or who, for the purpose of bothering any person, repeatedly makes telephone calls or causes the telephone of another repeatedly to ring; or any person who knowingly permitting any telephone under his or her control to be used for any of the purposes prohibited under this Article shall be guilty of a misdemeanor.

SECTION FOUR — **Of Offenses against Freedom of Association**

Section 179. — Offenses Against the Right of Assembly.

Any person who interrupts or hinders by force, intimidation, and/or violence a lawful and peaceful assembly, regardless of the subject or purpose thereof, shall be guilty of a misdemeanor. If it is an official meeting held, called, or organized by a governmental entity or body, whether of the executive, legislative or judicial branch, shall be guilty of a misdemeanor punishable by imprisonment for a fixed term of one (1) year.

[Amendments: Act 27-2017]

SECTION FIVE — **Of Offenses against Equal Protection of the Law**

Section 180. — Unlawful Discriminatory Practices

Any person who engages in any of the following acts without lawful excuse, and because of political ideology, religious creed, race, skin color, sex, gender, social status, or national origin, or ethnicity, or homelessness status, shall be guilty of a misdemeanor:

(a) To deny access, service, or fair treatment to any person in public places and establishments, private clubs where public activities are held, and in modes of transportation.

(a) To refuse to sell, transfer, or lease any public personal or real property.

(b) To deny loans for the construction of housing.

(c) To publish, circulate, or distribute any order, notice, or advertisement hindering, prohibiting, or discouraging the support of or the presence at public places and establishments and modes of transportation, or the sale, transfer, or lease of personal or real property.

TITLE II — OFFENSES AGAINST PROPERTY

CHAPTER ONE — OFFENSES AGAINST PROPERTY AND PROPRIETARY RIGHTS

SECTION ONE — **Of Unlawful Taking**

Section 181. — Unlawful Taking. *[Note: Act No. 246-2014 amended Sect. 181, but the official translation is not available. Please consult the Spanish version]*

Any person who, without violence or intimidation, unlawfully takes movable property of another shall be guilty of unlawful taking and be punished for a misdemeanor.

The court may also impose restitution.

Section 182. — Aggravated Unlawful Taking. *[Note: Act No. 246-2014 and Act No. 76-2022 amended Sect. 182 but the official translation is not available. Please consult the Spanish version. Act No. 27-2017 amended Subparagraph one]*

Any person who commits the offense of unlawful taking described in Article 181, and takes public property or funds, shall be punished by imprisonment for a fixed term of fifteen (15) years. Any person who takes goods the value of which is ten thousand dollars ($10,000) or more, shall be punished by imprisonment for a fixed term of eight (8) years. If the convicted person is a juridical person, it shall be punished by a fine of up to thirty thousand dollars ($30,000).

If the value of the unlawfully taken property is less than one thousand dollars ($1,000), but more than five hundred dollars ($500), such person shall be punished by imprisonment for a fixed term of three (3) years.

It shall constitute an aggravating circumstance to be considered when imposing a punishment for this offense and the offense classified under Article 181, when the unlawfully taken property are cattle, horses, pigs, rabbits, or sheep, including the offspring thereof, fruits or crops, poultry, fish, shellfish, bees, domestic or exotic animals, farming machinery and equipment located in a farm or in a production or breeding facility, as well as any other farm machinery or equipment located in a private property, business, or agricultural facility, or any items, tools, and/or machine parts used for such purposes.

The court may also impose restitution.

[Amendments: Act 27-2017]

Section 183. — Determining the Value of Credit Vouchers.

If the taken good is a credit voucher or a document, the amount of money represented or guaranteed thereby, or the value of the good whose ownership justifies the document, shall constitute the value of the taken good.

Section 184. — Petit Larceny or Shoplifting. *[Note: Act No. 246-2014 amended Sect. 184, but the official translation is not available. Please consult the Spanish version. Act No. 27-2017 amended paragraph fourth]*

Any person who, with the intent to unlawfully appropriate merchandise from a retail establishment, whether for himself or for others, and without paying the price set by the merchant, commits any of the following acts shall be guilty of a misdemeanor:

(a) Conceals merchandise on him or herself, a purse, a handbag, a bag, or any other similar object, or on a minor, an elderly person or a person with disabilities who is under his or her control;

(b) Alters or changes the price tag on the merchandise, be it on a label, bar code, or any other marking showing the sales price;

(c) Transfers the merchandise from one container to another showing a different price;

(d) Removes the merchandise from the retail establishment; or

(e) Causes the cash register or any other device that registers sales to show a price lower than the marked sales price.

The court may also impose restitution or community service.

The provisions herein notwithstanding, any person who commits this offense after a conviction for the same offense, shall be punished by imprisonment for a fixed term of three (3) years.

The foregoing notwithstanding, the person may be prosecuted for the offense of aggravated unlawful taking if the sales price of the property exceeds the amounts set forth in Article 182.

Section 185. — Tampering with Meters and Distribution Systems.

Any person who willfully, knowingly, or recklessly alters, interferes, or obstructs a water, gas, or electricity meter, or that of any other fluid with the intent to defraud another shall be punished by imprisonment for a fixed term of three (3) years. If the person convicted is a juridical person, such person shall be punished by a fine of up to ten thousand dollars ($10,000).

For purposes of this Article, it shall be deemed to be an alteration, interference, or obstruction any change, alteration, modification, connection, or disconnection of any meter included herein, or of any part, fixture, element, or component of said meter, as well as the removal or installation of any equipment, mechanism, device, component, part, or element alien to such meter, in its original or regular state, or intended to modify or alter the proper and correct operation of the meter, or the accurate measuring of the consumption of the fluid in question, or that purports to furnish a false, altered, or deceitful metering in lieu of the actual consumption of such fluid or the proper amount to be charged for such supply or consumption.

The conduct constituting a crime provided for in this Article shall also entail the alteration, interference, or obstruction of the water, gas, or electricity, or other fluid supply and distribution system and lines with the intent to defraud or prevent accurate measuring or to evade payment for actual service consumption of these utilities.

[Amendments: Act No. 246-2014; Act No. 8-2016]

Section 186. — Use or Interference with Communications or Pay Television Equipment or System.

Any person who uses, alters, modifies, interferes, intervenes, or obstructs communications, information, cable television, direct broadcast satellite or internet protocol television equipment, devices, or systems for purposes of defrauding another shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine which shall not exceed five thousand dollars ($5,000) or imprisonment for a fixed term of six (6) months, or both penalties, at the discretion of the Court.

If a person sells, installs, or engages in such conduct in order to obtain a financial or material benefit or gain or profit, shall be guilty of a felony and, upon conviction, shall be punished by a fine not to exceed ten thousand dollars ($10,000) or by imprisonment for a fixed term of three (3) years, or both penalties, at the discretion of the Court.

[Amendments: Act No. 246-2014; Act No. 27-2014]

Section 187. — Unlawful Operation of a Sound and Visual Image Recording or Transmission Device.

Any person who operates an audiovisual recording function of a device to record or transmit a motion picture or theatrical work while it is being exhibited, whether at a movie theater or an exhibition facility, without the appropriate legal authorization, shall be punished by imprisonment for a fixed term of three (3) years.

Section 188. — Reproduction and Sale without the Legal Name and Address of Manufacturer. *[Note: Act No. 246-2014 amended Sect. 188, but the official translation is not available. Please consult the Spanish version]*

Any person who knowingly, maliciously, or fraudulently promotes, offers for sale, sells, leases, transports, or induces the sale, or resells, or has in his or her possession with the intent to distribute, a motion picture, an audiovisual or theatrical work to obtain a personal or commercial benefit fails to clearly and prominently display on the cover, label, or packaging the legal name and address of the manufacturer, shall be punished by imprisonment for a fixed term of three (3) years.

For the purposes of this Article, the following terms shall have the meaning stated below:

(a) "Manufacturer" means the entity that authorizes the duplication of a motion picture, audiovisual, or theatrical work, not including the manufacturer of the case or packaging where motion picture, audiovisual, or theatrical work is kept.

(b) "Legal Name and Address" means the name and address of the manufacturer that has authorized the duplication of said motion picture, audiovisual or theatrical work.

SECTION TWO — **Of Robbery**

Section 189. — Robbery. *[Note: Act No. 246-2014 amended Sect. 189, but the official translation is not available. Please consult the Spanish version]*

Any person who unlawfully takes personal property of another from his or her person or immediate presence and against his or her will, by use of force or intimidation, or immediately after having committed the act, uses force or intimidation against a person to retain the stolen property shall be punished by imprisonment for a fixed term of twenty (20) years.

The Court may also impose restitution.

Section 190. — Aggravated Robbery. *[Note: Act No. 246-2014 amended Sect. 190, but the official translation is not available. Please consult the Spanish version]*

The offense of robbery described in Article 189 shall be punishable for a fixed term of thirty (30) years when it is committed under any of the following circumstances:

(a) When the person uses a minor under the age of eighteen (18);

(b) when the property taken is a motor vehicle;

(c) when, in the course of the robbery, bodily injury is inflicted on the victim;

(d) when the robbery occurs while the victim is in a building or in any other place where the victim is present and has reasonable expectation of privacy; (e) when a firearm is used to commit the offense; or

(f) when the victim or victims are bound, muzzled, or restrained during the commission of the offense.

The court may also impose restitution.

SECTION THREE — **Of Extortion**

Section 191. — Extortion. *[Note: Act No. 246-2014 and Act No. 76-2022 amended Sect. 191, but the official translation is not available. Please consult the Spanish version]*

Any person who, by use of force or intimidation, or under color of official right by a public official or employee, forces another person to deliver property or to perform, tolerate, or omit acts which occur or are performed after the use of force, intimidation, or under a color of office shall be punished by imprisonment for a fixed term of three (3) years.

SECTION FOUR — **Of the Receipt and Disposal of Stolen Property**

Section 192. — Receipt, Disposal, and Transportation of Stolen Property. *[Note: Act No. 246-2014 amended Sect. 192, but the official translation is not available. Please consult the Spanish version]*

Any person who purchases, receives, withholds, transports, or disposes of any property knowing the same to have been unlawfully taken, stolen, obtained by means of extortion or any other unlawful means, shall be guilty of a misdemeanor.

If the value of the property exceeds five hundred dollars ($500), the person shall be punished by imprisonment for a fixed term of three (3) years.

The court may also impose restitution.

Section 193. — Forfeiture of Vehicles or Other Means of Transportation.

Any vehicle or other means of transportation that has been used to transport property that has been unlawfully taken, stolen, obtained by means of extortion or any other unlawful means, shall be forfeited to the Commonwealth of Puerto Rico by the Secretary of Justice, the Secretary of the Treasury, or the Police Superintendent, through their delegates, police or law enforcement officers.

The procedures established in Act No. 119-2011, the "Uniform Forfeiture Act of 2011," shall be followed when forfeiting and disposing of vehicles, animals, watercraft or aircraft, or any other means of conveyance.

SECTION FIVE — **Of Burglary and Other Unlawful Entry**

Section 194. — Burglary.

Any person who enters a dwelling, building, or other construction or structure or its appurtenances or annexes for the purpose of committing any crime involving unlawful taking or a felony shall be guilty of a felony and punished by imprisonment for a fixed term of three (3) years.

[Amendments: Act No. 246-2014; Act 27-2017]

Section 195. — Aggravated Burglary. *[Note: Act No. 246-2014 amended Sect. 195, but the official translation is not available. Please consult the Spanish version]*

When the offense of burglary described in Article 194 is committed under any of the following circumstances it shall be punished by imprisonment for a fixed term of eighteen (18) years:

(a) When committed in an occupied building or in any other place where the victim has a reasonable expectation of privacy;

(b) when committed in a property allocated by the government to provide public housing; or

(c) when it is a forcible entry.

The court may also impose restitution.

Section 196. — Trespass.

Any person who commits any of the following acts shall be guilty of a misdemeanor:

(a) Enters the dwelling of another without the express consent of the owner, person in lawful possession, or custodian and exercises control over the property, regardless of the type;

(b) Unlawfully diverts, dams up, or stops public or private bodies of water;

(c) Unlawfully deprives another of his or her real property or right of use, usufruct, or habitation constituted over a real property; or

(d) Unlawfully removes or alters the boundary marks of a real property or any signs intended to designate the limits of property or the marks on contiguous land.

Whoever unlawfully occupies land or other property of others allocated by the government to provide public housing, for the purpose of exercising dominion or control over the property, shall be guilty of a felony and punished by imprisonment for a fixed term of three (3) years.

The court may also impose restitution.

Section 197. — Entering the Estate of Others. *[Note: Act No. 246-2014 amended Sect. 197, but the official translation is not available. Please consult the Spanish version. Act No. 27-2017 amended the second paragraph]*

Whoever enters the farm or estate of another without consent of the owner or custodian shall be guilty of a misdemeanor in any of the following circumstances:

(a) forcing a fence or enclosure; or

(b) with the intent to commit an offense.

Entering the farm or estate of another to commit the offense of unlawful taking, when the unlawfully taken property is an agricultural product, shall be punished by imprisonment for a fixed term of three (3) years.

When the monetary value of the agricultural product taken exceeds one thousand dollars ($1,000), it shall be punished by imprisonment for a fixed term of eight (8) years.

SECTION SIX — **Of Damage to Property**

Section 198. — Damage.

Any person who destroys, disables, alters, disappears, or damages, totally or partially, the personal or real property of another shall be guilty of a misdemeanor.

The court may also impose restitution.

Section 199. — Aggravated Damage. *[Note: Act No. 246-2014 amended Sect. 199, but the official translation is not available. Please consult the Spanish version]*

Any person who commits the offense of damage set forth in Article 198 of this Code shall be punished by imprisonment for a fixed term of three (3) years, when:

(a) The principal uses harmful substances, whether poisonous, corrosive, inflammable, or radioactive, provided, that the act does not constitute a more serious felony;
(b) the damage caused exceeds are five hundred dollars ($500);
(c) the damaged property has historic, artistic, or cultural significance;
(d) the damage is caused to real or personal property of the Commonwealth of Puerto Rico or of private nonprofit entities; or
(e) the damage is caused to official vehicles of law enforcement agencies. The court may also impose restitution.

Section 200. — Obstruction of or Interference with Works.

Any person who, with the intent to temporarily or permanently obstruct any public or private construction works or ground grading that has been granted the permits, authorizations, or endorsements of the pertinent agencies, engages in the following acts, shall be guilty of a felony and punished by imprisonment for a fixed period of three (3) years:

(a) Obstructing the entry or access of employees, vehicles, and persons, including suppliers of materials, authorized by the owner, contractor, or person in charge of the property where the works or ground grading is being carried out.
(b) Seize the land, machinery, or spaces that are a part of the construction works or ground grading.

The Court may also impose restitution.

[Amendments: Act 27-2017]

Section 200A. — Interference with Tourist Activities.

Any person who, intentionally, permanently or temporarily obstructs and/or hinders the access and/or use and/or enjoyment of any tourist activity, as defined in this Article by engaging in the acts listed below, shall be guilty of a misdemeanor:

(a) Acts of violence and/or intimidation, that is, an act of violence and/or intimidation shall be understood as an act the commission of which involves the use, attempted use of force or thread of physical force against any person and/or property.

(b) Seize and/or take control -without legal authority- of private land, spaces, and/or facilities that are part of a tourist activity with the intent to restrict, limit and/or impede participation in and/or free enjoyment of any tourist activity.

For purposes of this Act, tourist activity shall mean any act that is performed within the following private tourist spaces: hotels, condo-hotels, paradores, agro-lodgings, vacation clubs, theme parks, lineal trails and/or passive recreation areas, sports facilities operated by, or associated with a hotel, or within a tourist resort, tourist marinas, and/or private facilities in port areas for tourist purposes.

If the convicted person is a juridical person, it shall be punished by a fine of up to thirty thousand dollars ($30,000).

[Amendments: Added by Act 27-2017]

Section 201. — Affixing of Signs.

Any person who pastes, affixes, prints or paints any notice, advertisement, sign, poster, engraving, banner, picture, ambiguous phrase, writing, drawing, figure or any other similar medium on any private property without the consent of the owner, custodian, or person in charge, regardless of the subject, article, person, activity, theme, concept or topic to which reference is made therein, shall be guilty of a misdemeanor. If the aforementioned act is performed on public property except, in posts and columns, said person shall be guilty of a misdemeanor punishable by imprisonment for a fixed term of one **(1)** year.

The court may also impose restitution."

[Amendments: Added by Act 27-2017]

SECTION SEVEN — **Of Deceptive Practices**

Section 202. — Fraud. *[Note: Act No. 246-2014 amended Sect. 202, but the official translation is not available. Please consult the Spanish version]*

Any person who fraudulently performs any of the following shall be punished by imprisonment for a fixed term of eight (8) years:

(a) To induce another person to perform acts or omissions that affect the ownership rights or interests on real or personal property of said person, the State, or a third party to their detriment; or

(b) To perform acts or omissions that deprive another person or that affect the ownership rights or interests on real or personal property of said person, the State, or a third party to their detriment.

The court may also impose restitution.

Section 203. — Computer Fraud. *[Note: Act No. 246-2014 amended Sect. 203, but the official translation is not available. Please consult the Spanish version]*

Any person who, with the intent to defraud and by means of any information technology makes an unauthorized transfer of any property or ownership rights to the detriment of a third party or the State, shall be punished by imprisonment for a fixed term of eight (8) years.

The court may also impose restitution.

Section 204. — Fraud in the Performance of Works. *[Note: Act No. 246-2014 amended Sect. 204, but the official translation is not available. Please consult the Spanish version]*

Any natural or juridical person that obtains an advance of money in total or partial payment, with fraudulent intent, upon a promise to perform the contracted work, fails to perform such promise or to complete the work as agreed shall be punished by imprisonment for a fixed term of three (3) years.

In any case, the court shall also order the convicted person to pay the aggrieved party restitution for double the amount received as partial or total payment to perform the contracted work.

The court, at its discretion, may order the suspension or revocation of a license, permit, or authorization in accordance with Articles 60 and 78.

Section 205. — Fraudulent Use, Possession, or Transfer of Magnetic Stripe Cards. *[Note: Act No. 246-2014 amended Sect. 205, but the official translation is not available. Please consult the Spanish version]*

Any person who unlawfully possesses, uses, or transfers any magnetic stripe card, whether counterfeited or not, containing encoded information shall be punished by imprisonment for a fixed term of eight (8) years.

The court may also impose restitution.

Section 206. — Tampering with a Sports Contest.

Any person who promotes, facilitates, or guarantees certain outcome of a sporting contest or any other type of event to obtain undue benefits for him or herself or for a third party shall be guilty of a misdemeanor.

The court may also impose restitution.

Section 207. — Undue Influence on Radio and Television. *[Note: Act No. 246-2014 amended Sect. 207, but the official translation is not available. Please consult the Spanish version]*

Imprisonment for a fixed term of three (3) years shall be imposed on:

(a) Every radio or television station employee or any other person who offers, solicits, gives, or receives, directly or through an intermediary, for him or herself or for another person or a third party, any money or any form of payment, service, or benefit, or accepts an offer to such effects, in exchange for the radio or television broadcasting of the music of a certain composer or singer, or any other material or program, without disclosing said fact to the station prior to broadcasting the music, material, or program in question.

(b) Every person who, as part of the production of a radio or television program or past thereof offers, solicits, gives, or receives, directly or through an intermediary, for him or herself or for another person or a third party, any money or any form of payment, service, or benefit, or accepts an offer to such effects, in exchange for the radio or television broadcasting of said program or part thereof without disclosing said fact to the station, the employer of the person who shall receive the payment, or the person for whom such program is produced prior to broadcasting said program.

(c) Every person who supplies to another a radio or television program or part thereof without notifying said person that money or any other form of payment, service, or benefit has been offered, solicited, given, or received, directly or through an intermediary, or that an offer to such effects has been accepted in exchange for the radio or television broadcast of said program or part thereof.

(d) If, during said broadcast, the sponsor of the broadcasted program is properly identified, the duty to disclose set forth in the preceding subsections (a), (b), and (c) shall be complied with.

(e) Compliance with the duty to disclose set forth in the preceding subsections (a), (b), and (c) shall not be necessary when the station has obtained a disclaimer for such purposes from the Federal Communications Commission.

The court may also impose restitution.

SECTION EIGHT — **Of Identity Theft**

Section 208. — False Personation. *[Note: Act No. 246-2014 amended Sect. 208, but the official translation is not available. Please consult the Spanish version]*

Any person who, with the intent to defraud, falsely personates or represents another and in such assumed character and without the authorization of the individual so personated carries out any act shall be guilty of a misdemeanor.

In the event that the individual so personated consented to such personation, such individual shall also be guilty of false personation.

Section 208-A. — Aggravated False Impersonation.

Any person who pretends to be or represents that he or she is a law enforcement officer to commit an offense shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of three (3) years.

[Amendments: Added by Act No. 47-2024]

Section 209. — Identity Theft. *[Note: Act No. 246-2014 amended Sect. 209, but the official translation is not available. Please consult the Spanish version]*

Any person who takes the means of identification of another person with the intent to commit any unlawful act, shall be punished by imprisonment for a fixed term of eight (8) years.

The court may also impose restitution.

For the purposes of this offense, a means of identification shall include the following: name; address; telephone number; driver's license number; social security number; employer identification number; credit or debit card number; health insurance card number; passport or immigration card number; mobile telephone electronic serial number; any bank account number; the personal identification number (PIN) of any bank account, telephone, electronic mail (email), or computer system; place of employment; name of parents; date and place of birth; name and address of place of employment; or any other data or information that may be used by itself or jointly with others to identify a person, in addition to biometric information such as fingerprints, voice recordings, retinal scans, iris imaging, hand vein patterns, or any particular physical representation.

Aggravating circumstances shall apply to the punishment imposed when the defendant, upon committing identify theft, has committed false personation or carried out transactions commercial or otherwise thus impairing the individual and ownership rights of the victim.

Section 210. — Provisions Applicable to this Section.

As part of the restitution imposed by the court for the offenses described in this Section, it may also order the reimbursement of the expenses incurred by the victim to reestablish his or her credit, including the payment of any debt or obligation arising from the acts of the offender. The court may also issue such orders as are necessary to correct any public or private record that contains false information to the detriment of the victim, resulting from the offender's conduct.

CHAPTER II — OFFENSES AGAINST THE SECURITY OF TRANSACTIONS

SECTION ONE — **Of Forger**

Section 211. — Forgery of Documents. *[Note: Act No. 246-2014 amended Sect. 211, but the official translation is not available. Please consult the Spanish version]*

Any person who, with the intent to defraud, falsely makes a document, instrument or writing, in whole or in part, whereby any right, obligation, or interest is created, transferred, terminated, or otherwise affected, or who falsely alters, limits, suppresses, or destroys, in whole or in part, a true one, shall be punished by imprisonment for a fixed term of three (3) years.

Section 212. — Misrepresentation. *[Note: Act No. 246-2014 amended Sect. 212, but the official translation is not available. Please consult the Spanish version]*

Any person who, with the intent to defraud, makes a false statement in a public or private document concerning a fact which the document attests to, and in the case of a private document, which has legal effects to the detriment of another person, shall be punished by imprisonment for a fixed term of three (3) years.

Section 213. — False Entry in Records. *[Note: Act No. 246-2014 amended Sect. 213, but the official translation is not available. Please consult the Spanish version]*

Any person who, with the intent to defraud, makes, counterfeits, suppresses, or alters an entry in a book of accounts, files, or data bank, whether on a print copy or electronically, shall be punished by imprisonment for a fixed term of three (3) years.

Section 214. — Forgery of Seals. *[Note: Act No. 246-2014 amended Sect. 214, but the official translation is not available. Please consult the Spanish version]*

Any person who, with the intent to defraud, forges or counterfeits the seal of the Commonwealth of Puerto Rico, of a public official authorized by law, any court, or a corporation, or any other public seal authorized or recognized under the laws of Puerto Rico or the United States, or of any state, government or country; or who forges or counterfeits any impression purporting to be an impression of any such seal shall be punished by imprisonment for a fixed term of three (3) years.

Section 215. — Forgery of License, Certificate, or Any Other Documentation. *[Note: Act No. 246-2014 amended Sect. 215, but the official translation is not available. Please consult the Spanish version]*

Any person who, with the intent to defraud, makes, alters, forges, counterfeits, circulates, passes, publishes, or possesses as if genuine any license, certificate, diploma, report, record, or any other similar document, issued by an official or employee of the Commonwealth of Puerto Rico or by any authorized private institution, with knowledge that the same is false, altered, forged, or counterfeited shall be punished by imprisonment for a fixed term of three (3) years.

Section 216. — Filing of Forged Documents or Information. *[Note: Act No. 246-2014 amended Sect. 216, but the official translation is not available. Please consult the Spanish version]*

Any person who, with the intent to defraud, offers or submits a false or altered document or information to be filed, recorded, or entered at any entity of the Commonwealth of Puerto Rico which, if it were genuine or true, may have been filed or entered into any official record or database, whether on a print copy or electronically according to law, shall be punished by imprisonment for a fixed term of three (3) years.

Section 217. — Possession and Transfer of Forged Documents. *[Note: Act No. 246-2014 amended Sect. 217, but the official translation is not available. Please consult the Spanish version]*

Any person who, with the intent to defraud, possesses, uses, circulates, sells, or passes as genuine or true any forged document, instrument, or writing with knowledge that the same is forged, altered, falsified, or counterfeited shall be punished by imprisonment for a fixed term of three (3) years.

Section 218. — Possession of Instruments for Forging. *[Note: Act No. 246-2014 amended Sect. 218, but the official translation is not available. Please consult the Spanish version]*

Any person who makes or possesses with knowledge of its character any die, plate or other device, apparatus, equipment, software, item, material, goods, property, paper, metal, machine, scanning device or reencoder, or any other instrument specifically designed or adapted as a scanning device or reencoder or any other article that may be used to forge a credit or debit card, a seal, document, negotiable instrument, instrument, or writing, shall be punished by imprisonment for a fixed term of three (3) years.

Section 219. — Alteration of Information that Identifies Musical, Scientific, or Literary Works. *[Note: Act No. 246-2014 amended Sect. 219, but the official translation is not available. Please consult the Spanish version]*

Any person who alters information that identifies the author, title, edition number, or publisher, or who defaces, mutilates, or alters the text of a book or of a literary, scientific, or musical work or record, tape, disc or electronic sound recording (audio), or play without the proper authorization from the author or copyright holder of the rights shall be punished by imprisonment for a fixed term of three (3) years.

The court may also impose restitution.

Section 220. — Forgery in the Practice of Professions or Occupations. *[Note: Act No. 246-2014 amended Sect. 220, but the official translation is not available. Please consult the Spanish version]*

Any person authorized by law to practice a profession or occupation who lends his or her name or otherwise facilitates or assists another unauthorized person to practice said profession or occupation or to perform actions inherent in said profession or occupation shall be punished by imprisonment for a fixed term of three (3) years.

Aggravating circumstances shall apply to the punishment imposed, in the case of occupations that endanger or injure the physical or mental health, the bodily integrity, and the lives of human beings.

SECTION TWO — **Of Offenses against Security in Commercial Transactions**

Section 221. — Money Laundering. *[Note: Act No. 246-2014 amended Sect. 221, but the official translation is not available. Please consult the Spanish version]*

Any person who performs any of the following acts shall be punished by imprisonment for a fixed term of three (3) years:

(a) To convert or transfer property knowing that such property represents the proceeds of a criminal activity or participation in such sort of activity for the purpose of concealing or disguising the unlawful nature of the property; or

(b) To conceal or disguise the true nature, origin, location, disposition, or transfer of the appropriate property, goods, or rights thereof knowing that the same are derived from the proceeds of a criminal activity or participation in such sort of activity.

The court shall order the forfeiture of property, rights, or goods subject to this offense, whose amounts shall be deposited in the Crime Victims' Compensation Fund.

Section 222. — Insufficiency of Funds. *[Note: Act No. 246-2014 amended Sect. 222, but the official translation is not available. Please consult the Spanish version]*

Any person who, with the intent to defraud, makes, draws, utters, or delivers a check, money order, draft, or note upon any bank or depository for the payment of money knowing at the time that the maker or drawer thereof has not sufficient funds in said bank or depositary for the payment of such check, money order, draft, or note in full upon presentation, nor has the express authorization to overdraw, shall be guilty of a misdemeanor.

If the amount of such negotiable instrument exceeds five hundred (500) dollars, the person shall be punished by imprisonment for a fixed term of three (3) years.

The court may also impose restitution.

Section 223. — Closed or Non-existent Account and Order to Stop Payment. *[Note: Act No. 246-2014 amended Sect. 223, but the official translation is not available. Please consult the Spanish version]*

Any person who, with the intent to defraud, orders any bank or depository to close an account designated for the payment of money upon said bank or depository knowing that before issuing such order, he or she had made, drawn, uttered or delivered a check, money order, drafts, or order to be applied to said closed account; or who draws against a closed or non-existent account; or places a stop-payment order without good cause, shall be guilty of a misdemeanor.

If the amount of the instrument or negotiable instrument exceeds five hundred (500) dollars, the person shall be punished by imprisonment for a fixed term of three (3) years.

The court may also impose restitution.

Section 224. — Knowledge of Nonpayment.

It is prima facie evidence of knowledge of insufficient funds, of the closed or nonexistent account, the cancellation of the account, or the lack of express overdraft authorization, if the drawer

or indorser makes, draws, utters, or delivers a check, money order, draft, or order the payment of which is refused by the drawee because of any of the following: insufficient funds, drawing on a closed or nonexistent account, the cancellation of the account designated for the payment, or not having an express overdraft authorization.

Section 225. — Demand for Payment.

No person shall commit the offenses provided in Articles 222 and 223 above, unless it is shown that the payee of the check, money order, draft, or order, or his or her agent has given notice to the drawer or endorser in person or by certified mail, return receipt requested, to the drawer or endorser's last known address, demanding him or her to remit payment in the amount of the check, money order, draft, or order to the payee or his or her agent at the address shown in the notice within ten (10) days if the drawer or endorser on whom notice was given, resides in the same location of the payee; and within fifteen (15) days if the drawer or endorser resides in another municipality or outside of the Commonwealth of Puerto Rico. Said period is calculated from the time notice of nonpayment is given to the drawer or indorser.

If the address provided by the drawer or endorser is false, or if he or she refused to provide a street address together with the mailing address at the time of drawing the check, money order, draft, or order, the notice from the bank or depository refusing to honor the check, money order, draft, or order because of insufficient funds shall be deemed to constitute sufficient notice in accordance with the first paragraph of this Article.

Section 226. — Nonpayment After Demand for Payment.

Nonpayment by the person who has made, drawn, signed, uttered, or delivered said check, money order, draft or order, upon demand for payment, shall be prima facie evidence of his or her intent to defraud.

Section 227. — Payment Within Prescribed Period.

Upon the expiration of the period granted in the demand for payment, the injured party shall file a complaint at the prosecutor's office of the district in which the worthless check was delivered, and a prosecutor shall summon the drawer or endorser of the check, money order, draft, or order to appear at a preliminary hearing within ten (10) days from the filing of the complaint.

Payment of the check, money order, draft, or order, prior to the preliminary hearing, shall release the drawer or endorser said check, money order, or order from criminal liability. Said person shall pay the costs of the proceedings, which shall not be less than twenty-five (25) dollars.

Payment made after a finding of probable cause at the hearing shall not release the defendant from criminal liability at the trial. Such a circumstance shall be deemed to be mitigating circumstances in imposing the punishment for the offense.

Section 228. — Illegal Possession or Fraudulent Use of Credit Card and Debit Cards. *[Note: Act No. 246-2014 amended Sect. 228, but the official translation is not available. Please consult the Spanish version]*

Any person who, with the intent to defraud another or to obtain goods and services to which such person is not legally entitled, uses a credit card or debit card knowing it is stolen or forged, it has been revoked or canceled, or the use of the card is unauthorized for any reason, shall be punished by imprisonment for a fixed term of eight (8) years.

Aggravating circumstances shall apply to the punishment imposed on every public official or employee who has been provided with a credit card or a debit card paid with public funds in the exercise of his or her official and related duties and uses said card for the purpose of obtaining a benefit for him or herself or a third party.

Any person who intentionally possesses a magnetic stripe card knowing that the same was forged shall be guilty of a misdemeanor.

Section 229. — Use of Scanning Devices or Reencoders. *[Note: Act No. 246-2014 amended Sect. 229, but the official translation is not available. Please consult the Spanish version]*

Any person who, with the intent to defraud, uses a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information contained or encoded on the magnetic stripe of a credit card or debit card without the permission of the authorized user of the payment card shall be punished by imprisonment for a fixed term of eight (8) years.

Any person who, with the intent to defraud, uses a reencoder to place encoded information from a magnetic strip or stripe of a credit or debit card onto the magnetic strip or stripe of a different card or any electronic medium that allows an authorized transaction to occur without the permission of the authorized user of the payment card from which the information is being re-encoded shall be punished by imprisonment for a fixed term of eight (8) years.

TITLE III — OFFENSES AGAINST COLLECTIVE SECURITY

CHAPTER ONE — OF ARSON AND RISK OF CATASTROPHY

SECTION ONE — **Of Arson**

Section 230. — Arson.

Any person who, intentionally, knowingly or recklessly, endangers the life, health or physical integrity of persons by setting a building or property on fire shall be punished by imprisonment for a fixed term of eight (8) years. If the convicted person is a juridical person, it shall be punished by a fine of up to thirty thousand dollars ($30,000).

To constitute arson, it shall not be necessary that the building or property be destroyed, setting fire to any material part thereof shall suffice.

The court may also impose restitution.

[Amendments: Act No. 246-2014; Act 27-2017]

Section 231. — Aggravated Arson. *[Note: Act No. 246-2014 amended Sect. 231, but the official translation is not available. Please consult the Spanish version]*

Any person who commits the offense of arson described in Article 230 shall be punished by imprisonment for a fixed term of fifteen (15) years in any of the following circumstances:

(a) When it causes injury to the life, health, or physical integrity of any person;
(b) The principal removes, damages, or disables the devices for extinguishing the fire;
(c) When it occurs in an occupied building or property of the Commonwealth of Puerto Rico; or
(d) The structure stores flammable, toxic, radioactive, or chemical material.

This court may also impose restitution.

Section 232. — Forest Land Fire. *[Note: Act No. 246-2014 amended Sect. 232, but the official translation is not available. Please consult the Spanish version]*

Any person who sets fire to woods, fields, pastures, forests, or farms that are property of another shall be punished by imprisonment for a fixed term of three (3) years.
The court may also impose restitution.

If it causes injury to the life, health, or physical integrity of others, the defendant shall be punished by imprisonment for a fixed term of eight (8) years.

Section 233. — Reckless Burning. *[Note: Act No. 246-2014 amended Sect. 233, but the official translation is not available. Please consult the Spanish version]*

Any person who recklessly causes a fire of a building, wood, field, pasture, forest, or farm endangering the life, health, or physical integrity of others shall be punished by imprisonment for a fixed term of three (3) years.

The court may also impose restitution.

SECTION TWO — Offenses Involving Risk of Catastrophe

Section 234. — Reckless Damage or Destruction. *[Note: Act No. 246-2014 amended Subsection 234(c), but the official translation is not available. Please consult the Spanish version]*

Any person who, in violation of any law, regulation, or permit, endangers the life, health, physical integrity, or safety of one or several persons in any of the following circumstances shall be punished by imprisonment for a fixed term of fifteen (15) years:

(a) By causing an explosion, a flood, or a avalanche.
(b) By causing a collapse of a real property.

(c) By releasing poison or asphyxiating gas, nuclear energy, ionizing elements, or radioactive material, microorganisms, or any other hazardous or toxic substance, as defined in the regulations of the Environmental Quality Board or the U.S. Environmental Protection Agency;

If the acts listed under this offense are performed negligently, the person shall be punished by imprisonment for a fixed term of three (3) years.

The court may also impose restitution.

Section 235. — Pollution of Public Waters. *[Note: Act No. 246-2014 amended Sect. 235, but the official translation is not available. Please consult the Spanish version]*

Any person who, in violation of any law, regulation, or permit, endangers the life or health of one or various persons by poisoning, polluting, or dumping toxic or hazardous substances in wells, reservoirs, bodies of water, pipelines, or sewers used for human use and consumption shall be punished by imprisonment for a fixed term of twelve (12) years.

If the acts listed under this offense are performed negligently, the person shall be punished by imprisonment for a fixed term of three (3) years.

For the purposes of this Article, the term "toxic or hazardous substances" shall refer to the definition of said substances in the regulations of the Environmental Quality Board or the U.S. Environmental Protection Agency.

The court may also impose restitution.

Section 236. — Environmental Pollution. *[Note: Act No. 246-2014 amended Sect. 236, but the official translation is not available. Please consult the Spanish version]*

Any person who unlawfully makes or causes emissions, radiation, or spills of any sort on the soil, into the atmosphere, or into surface water, groundwater, or the seas, in violation of the laws or regulations, or the special conditions of the applicable permits and which seriously endanger the health of persons, the biological balance of ecological systems or the environment, shall be punished by imprisonment for a fixed term of three (3) years.

The court may also impose restitution.

Section 237. — Aggravated Environmental Pollution. *[Note: Act No. 246-2014 amended Sect. 237, but the official translation is not available. Please consult the Spanish version]*

If the environmental pollution offense classified in Article 236 is committed by a person without the appropriate environmental permit, endorsement, certification, franchise, or concession, or illicitly, or if such person has failed to comply with the express provisions of the competent authorities to correct or suspend any unlawful act, or has provided false information or omitted information required to obtain the appropriate environmental permit, endorsement, certification, franchise, or concession, or has hindered or interfered with an inspection conducted by the competent authority, said person shall be punished by imprisonment for a fixed term of eight (8) years.

The court, at its discretion, may also suspend the license, permit, or authorization in accordance with Articles 60 and 78, and impose restitution.

CHAPTER II — OF FALSE ALARMS AND OBSTRUCTION OF PUBLIC SERVICES

SECTION ONE — **Of False Alarms**

Section 238. — False Alarms.

Any person who knowingly, circulates a warning or makes a false alarm of fire, bomb or other explosive device, gas leaks or hazardous spills in a building or any other place of assembly, shall be guilty of a misdemeanor.

Section 239. — Emergency Response System – False Reporting.

Any person who knowingly calls or allows calls to be made from any telephone under his or her control to an emergency response system, such as "9-1-1," to make a false report, warning, or alarm of a fire, medical emergency, crime, natural disaster, or any other situation requiring the mobilization, dispatch, or presence of the Firefighters Bureau, the personnel of the Medical Emergency Bureau, the Emergency Management Bureau, the Department of Natural and Environmental Resources, or law enforcement agencies, including the Puerto Rico Police Bureau, Municipal Police departments, or volunteer corps, or who makes or allows obscene or prank calls to be made from any telephone under his or her control to such emergency response system shall be punished by imprisonment for a fixed term of three (3) years. The court may also impose restitution to compensate for any unnecessary use of resources or disbursement of funds by the Commonwealth, municipal law enforcement, or volunteer corps resulting from an obscene or prank call, or false report made to such emergency response systems.

In addition, any person who makes a report of a general or specific emergency shall be guilty of an offense if such person subsequently learns that the report was false and fails to notify so to law enforcement.

[Amendments: Act No. 137-2024]

SECTION TWO — **Of Disruption of Public Utilities**

Section 240. — Sabotage of Public Utilities. *[Note: Act No. 246-2014 amended Sect. 240, but the official translation is not available. Please consult the Spanish version]*

Any person who intentionally destroys, damages, vandalizes, alters, or interrupts the operation of water, gas, power, telephone, telecommunications service facilities or equipment, or computer network or system facilities or equipment, or any other property intended for providing public or private essential services, including transportation and communications, shall be punished by imprisonment for a fixed term of eight (8) years.

When the commission of this offense prevents a person from seeking or receiving help to save such person's life, health, or physical integrity, it shall be punishable by imprisonment for a fixed term of fifteen (15) years.

CHAPTER III — OFFENSES AGAINST PUBLIC ORDER AND PUBLIC AUTHORITIES

Section 241. — Breach of Peace. *[Note: Act No. 246-2014 amended Sect. 241, but the official translation is not available. Please consult the Spanish version]*

Any person who commits any of the following acts shall be guilty of a misdemeanor:

(a) To disturb the peace or quiet of one or several persons by engaging in offensive conduct that affects the right to privacy in the dwelling, or in any other location where there is a reasonable expectation of privacy;

(b) To disturb the peace or quiet of one or various persons by using abusive or offensive language at a place where those present have a reasonable expectation of privacy; or

(c) To disturb the peace or quiet of one or several persons by engaging in tumultuous or offensive conduct using offensive, opprobrious, challenging, taunting, or abusive language or acts that tend to provoke a violent or angry response in others.

When the acts constituting the offense of breach of peace are committed within the facilities of any municipality, agency, corporation, entity, or instrumentality of the Government of Puerto Rico, the Legislative Assembly, or the Judicial Branch, a fine shall be imposed in an amount of not less than one thousand dollars ($1,000) nor more than one thousand five hundred dollars ($1,500); if the defendant lacks the financial resources to pay the fine, community service shall be imposed for not less than thirty (30) days nor more than sixty (60) days.

Moreover, if the acts which constituting the offense of breach of peace are committed within the facilities of any private business or professional office, a fine shall be imposed in an amount of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000); in the cases in which the defendant lacks the financial resources to pay the fine, community service shall be imposed for not less than twenty (20) days nor more than thirty (30) days.

Section 242. — Riot.

Any use of force or violence disturbing the public peace, or any threat do use force or violence, if accompanied by immediate power of execution, by two or more persons acting together and without authority of law, shall constitute a riot.

Participants shall be punished by imprisonment for a fixed term of three (3) years.

Section 242A. — Inciting to Violence.

Any person who incites or promotes the use of force, violence and/or intimidation for the commission of an offense against a person or property, through any means, including telematics communication systems and/or any other mode of information dissemination, publication, or distribution shall be guilty of a misdemeanor punishable by imprisonment for a fixed term of one

(1) year. However, the person shall be guilty of a felony punishable by imprisonment for a term of three (3) years, if a felony is committed as a direct result of the incitement.

[Amendments: Added by Act 27-2017]

Section 243. — Obstructing the work of the Press During an Official Act. *[Note: Act No. 246-2014 amended Sect. 243, but the official translation is not available. Please consult the Spanish version]*

Any person who unlawfully and without a legitimate purpose intentionally prevents the transmission of any communication media, or the capturing of images through digital photography or video.

This Article shall not apply to persons who by reason of their position, office, or activity have the duty, responsibility, or obligation to keep the peace.

Section 244. — Conspiracy. *[Note: Act No. 246-2014 amended Sect. 244, but the official translation is not available. Please consult the Spanish version]*

Conspiracy is an agreement between two or more persons to commit an offense.

If the conspiracy contrived is to commit a misdemeanor, defendants shall be guilty of a misdemeanor.

If the conspiracy contrived is to commit a felony, defendants shall be punished by imprisonment for a fixed term of three (3) years.

No agreement, except to commit a felony against any person, or to commit arson or trespass, shall constitute conspiracy unless an action is concerted to be carried out by one or more conspirators.

Aggravating circumstances shall apply to the punishment imposed when one of the conspirators is a law enforcement officer acting under color of his or her office to commit the offense.

Section 245. — Use of Violence or Intimidation Against Public Authority.

Any person who uses violence or intimidation against a public official or employee to compel such official or employee to perform or refrain from performing an official duty or commits an act constituting an unauthorized exercise of his or her official functions, shall be punished by imprisonment for a fixed term of three (3) years.

Section 246. — Resisting or Obstructing Public Authority. *[Note: Act No. 246-2014 amended Subsections 246(a) and (b), but the official translation is not available. Please consult the Spanish version]*

Resisting or obstructing public authority shall constitute a misdemeanor in any of the following circumstances:

(a) Delaying or obstructing a public official or employee in the performance or attempting to perform his or her official duties.
(b) Hindering or obstructing any person by any person, public official, or employee from lawfully collecting any revenues, taxes, excise taxes, levies, business license fees, license fees, or other sums of money in which the Commonwealth of Puerto Rico has an interest.
(c) Failing to prevent the commission of an offense that affects the life and physical integrity of other people, on being required by a person with authority therefor, and without risk to him or herself or others.
(d) Refusing to aid in effecting an arrest, on being required by a person with authority therefor, and without a risk to him or herself or others.
(e) Resisting arrest or violently fleeing on being informed by a law enforcement officer or particular person in cases authorized by law, of their legal authority to do so.
(f) Failing to appear in court without good cause or to obey a summons issued by a prosecutor or juvenile prosecutor, any of the Legislative Bodies, any Municipal Legislature, or any of its committees during an investigation.
(g) The contumacious and unlawful refusal of a person to be sworn as a witness or to fulfill requirements as such, in a pending case or investigation; or, after being sworn to answer any legal interrogatory without good cause, or fulfill requirements as such before any Legislative Body, Municipal Legislature, or any of its committees.
(h) Refusing to take an oath, make a statement, or affirm as required by the tax statute of the Commonwealth of Puerto Rico, or a competent person, employee, or official.
(i) Refusing to answer any interrogatory, to furnish, provide, or return any tax return, certification, list, or form of a fiscal nature containing incomplete, false, or fraudulent information upon being duly required by a competent taxing authority.

Section 247. — Obstructing Access to or Operations in Educational and Healthcare Institutions or Buildings where Government Services are Offered to the Public.

Any person who, without legal authority, hinders the rendering of services or access to an educational or health care institution, or hinders the rendering of services or access to buildings where government services are offered to the public, shall be guilty of a misdemeanor.

For the purposes of this Article, educational institution shall mean any public or private elementary, middle, or high school, university, institute, vocational or technical school that offers study or skill building programs to children, youth or adults in Puerto Rico.

In case of health care facilities, it shall mean establishments certified and authorized to operate as such by the State, as provided and defined in the "Health Facilities Act" Act No. 101 of June 26, 1965, as amended, such as: a hospital, health care center, public health unit, diagnostic or treatment center, public health services, long-term care facility, rehabilitation center, medical facility for persons with disabilities, mental health center, psychosocial rehabilitation center, chronic illness hospital, general hospital, mental health hospital, tuberculosis hospital, nonprofit health care facility.

[Amendments: Act No. 10-2013; Act 27-2017]

Section 248. — Use of a Disguise while Committing an Offense.

A person shall be guilty of a misdemeanor if, such person wears a mask, hairpiece, makeup, dye, or any other costume, whether fully or partially, that temporarily or permanently alters his physical appearance for the purpose of:

(a) Avoiding being discovered, recognized or identified in the commission of an offense.

(b) Concealing, avoiding being arrested, fleeing, or escaping after being reported, prosecuted, or sentenced for the commission of any offense.

(c) Altering or hindering ordinary activities in a public education facility, health care facility, or government building.

Said person shall be punished by imprisonment for a fixed term of three (3) years and be guilty of a felony if the nature of the offense committed or attempted is serious.

[Amendments: Act No. 246-2014; Act 27-2017]

Section 249. — Endangering Public Safety or Order by Discharging a Firearm. *[Note: Act No. 246-2014 amended Sect. 249, but the official translation is not available. Please consult the Spanish version]*

A person shall be punished by imprisonment for a fixed period of twenty (20) years if he or she endangers public safety or order by discharging a firearm:

(a) From a vehicle, whether a motor vehicle or a watercraft;

(b) In a night club, bar, shopping mall, business, or establishment; or

(c) In a public place or an open space.

TITLE IV — OFFENSES AGAINST GOVERNMENTAL FUNCTIONS

CHAPTER I — OFFENSES AGAINST THE DISCHARGE OF PUBLIC OFFICE

SECTION ONE **— Of the Offenses against the Discharge of Public Office**

Section 250. — Misuse of Official Information.

Any current or former public official or employee who uses information or data to which the public official or employee has access in his or her official capacity, for personal benefit or for the benefit of another, shall be punished by imprisonment for a fixed term of three (3) years.

If the person attains the benefit sought, he or she shall be punished by imprisonment for a fixed term of eight (8) years.

The court may also impose restitution.

Section 251. — Illicit Enrichment.

Any current or former public official or employee, who has increased his or her assets or those of a third party in a manner that cannot be reasonably explained, when it occurs upon taking office, or commencing an employment or assignment, and up to five (5) years after concluding his or her term, said person shall be punished by imprisonment for a fixed term of eight (8) years.

It shall be deemed enrichment not only when the assets have been increased through money or property, but also when any liabilities incurred have been extinguished.

The third party thus benefitted shall also be guilty of this offense.

Section 252. — Misuse of Public Works or Services. *[Note: Act No. 246-2014 and Act No. 76-2022 amended Sect. 252, but the official translation is not available. Please consult the Spanish version]*

Any person who misuses property, works, or services paid for with public funds for his or her benefit or for the benefit of another person any shall be punished by imprisonment for a fixed term of (3) years.

Aggravating circumstances shall apply to the punishment imposed when the offense is committed by a public official or employee.

The court may also impose restitution.

Section 253. — Negotiation Incompatible with Public Office. *[Note: Act No. 246-2014 amended Sect. 253, but the official translation is not available. Please consult the Spanish version]*

Any public official or employee who, in his or her official capacity, directly or through another person, promotes, authorizes, or enters into or bids for a contract, or any other operation in which he or she has a private interest without having the dispensation or authorization required by law, shall be punished by imprisonment for a fixed term of three (3) years.

The third party thus benefitted shall also be guilty of this offense.

If the person attains the benefit sought, he or she shall be punished by imprisonment for a fixed term of eight (8) years.

The court may also impose restitution.

Section 254. — Improper Intervention in Government Operations. *[Note: Act No. 246-2014 amended Sect. 254, but the official translation is not available. Please consult the Spanish version]*

Any person who improperly or without legal authority interferes with the execution of a contract, a bid process, or negotiation, or any other operation of the government of the Commonwealth of Puerto Rico for the purpose of benefiting himself or another person shall be punished by imprisonment for a fixed term of three (3) years.

If the person attains the benefit sought, said person shall be punished by imprisonment for a fixed term of (8) years.

The court may also impose restitution.

Section 255. — Intrusion into Public Office. *[Note: Act No. 246-2014 amended Subsection 255(a), but the official translation is not available. Please consult the Spanish version]*

A person shall be guilty of a misdemeanor when said person:

(a) Intrude himself or herself into an office, job, or assignment for which he or she has not been duly elected, appointed, or designated; or

(b) Willfully exercises any of the functions of his or her office, job, or assignment after his or her term of office has expired after receiving an official notice of termination or suspension of functions.

Section 256. — Refusal to Surrender Property.

Any current or former public official or employee who, after completing his or her term of office, job, or assignment, or after the elimination of his or her office or position, or after ceasing to hold office upon resignation or separation, retains or refuses to surrender any property, records, files, documents, access codes, disks, electronic files, and any other official information or material appertaining to such office, whether in hard copy or electronic format, shall be punished by imprisonment for a fixed term of three (3) years.

If the property or material under his or her custody is defaced, damaged, destroyed, or removed, said official or employee shall be punished by imprisonment for a fixed term of eight (8) years.

Section 257. — Altering or Defacing Property. *[Note: Act No. 76-2022 amended Sect. 257, but the official translation is not available. Please consult the Spanish version]*

Any public official or employee having the custody or control of any property, record, file, document, register whether digital or otherwise, or database, whether in hard copy or electronic format, who willfully alters, destroys, defaces, removes, or conceals any it, in whole or in part, shall be punished by imprisonment for a fixed term of three (3) years.

If it results in the loss of public property or funds, the court may also impose restitution.

Section 258. — False Certificates.

Any public official or employee authorized by law to issue certificates and any other documents, who issues an official certificate or document containing a statement which he or her knows to be false shall be punished by imprisonment for a fixed term of three (3) years.

Section 259. — Bribery. *[Note: Act No. 76-2022 amended Sect. 259, but the official translation is not available. Please consult the Spanish version]*

Any public official or employee, juror, witness, arbitrator, or any person authorized by law to decide, hear, or determine any question or controversy who solicits or receives directly or indirectly for himself or another person, any money or benefit or accepts a proposal for doing or for bearing to do or delaying an official act or duty, or for doing an act in violation of the official duty, or agrees to receive compensation or benefit with intent to influence an action, decision, vote,

or determination of said person in his or her official capacity shall be punished by imprisonment for a fixed term of eight (8) years.

If the principal is a public official, arbitrator, or person authorized by law to hear or determine any question or controversy, he or she shall be punished by imprisonment for a fixed term of fifteen (15) years.

Section 260. — Offering a Bribe. *[Note: Act No. 246-2014 amended Sect. 260, but the official translation is not available. Please consult the Spanish version]*

Any person who, directly or indirectly, offers or promises to give money or any benefit to a public official or employee, witness, juror, arbitrator, or any other person authorized by law to hear or determine a question or controversy, for the purposes provided in Article 259, shall be punished by imprisonment for a fixed term of three (8) years.

Section 261. — Improper Influence. *[Note: Act No. 246-2014 and Act No. 76-2022 amended Sect. 261, but the official translation is not available. Please consult the Spanish version]*

Any person who obtains or attempts to obtain any benefit from another by claiming or pretending that he or she is in a position to influence a public official or employee's action in the performance of his duties shall be punished by imprisonment for a fixed term of three (3) years.

If the person attains the benefit sought, said person shall be punished by imprisonment for a fixed term of eight (8) years.

The court may also impose restitution.

Section 262. — Failure to Perform Official Duties. *[Note: Act No. 246-2014 and Act No. 76-2022 amended Sect. 262, but the official translation is not available. Please consult the Spanish version]*

Any public official or employee who willfully fails to perform any duty required of him or her by law or regulation and, as a result, causes the loss of public funds or damage to public property, shall be guilty of a misdemeanor.

If the appraised value of the loss of public funds or damage caused to public property exceeds ten thousand (10,000) dollars, the public official or employee shall be punished by imprisonment for a fixed term of three (3) years.

The court may also impose restitution.

Section 263. — Dereliction of Duty. *[Note: Act No. 246-2014 and Act No. 76-2022 amended Sect. 263, but the official translation is not available. Please consult the Spanish version]*

Any public official or employee who willfully neglects to perform the duties of his or her office or position and, as a result, causes the loss of public funds or damages to public property, shall be guilty of a misdemeanor.

If the appraised value of the loss of public funds or damage caused to public property exceeds ten thousand (10,000) dollars, the person shall be punished by imprisonment for a fixed term of three (3) years.

The court may also impose restitution.

SECTION TWO — Of Offenses against Public Funds

Section 264. — Embezzlement of Public Funds. *[Note: Act No. 76-2022 amended Sect. 264, but the official translation is not available. Please consult the Spanish version]*

Any public official or employee who is responsible, directly or indirectly, for the administration, transfer, care, custody, revenues, disbursement, or accounting of public funds shall be punished by imprisonment for a fixed term of eight (8) years, regardless of whether the public official or employee obtained benefits for him or herself or for any other person, if he or she:

(a) Appropriates such funds, in whole or in part for his or her own use;

(b) Uses such funds for purposes other than those authorized, or in violation of the law or regulations;

(c) Deposits such funds unlawfully or alters or makes any entry or record in any account or document relating to such funds without authorization therefor or in violation of the law or regulations;

(d) Unlawfully retains, converts, conveys, or releases such funds without authorization or contrary to the law or regulations; or

(e) Fails to keep or disburse public funds as prescribed by law.

If the person is a public official or the loss of public funds exceeds fifty thousand dollars ($50,000), he or she shall be punished by imprisonment for a fixed term of fifteen (15) years.

The court may also impose restitution.

Section 265. — Possession and Unlawful Use of Tax Information, Receipts, and Evidence of Payment.

Any person who has in his or her possession, without authorization therefor, tax, business license tax, levy, excise tax, or license receipts or evidence of payment; or who issues, uses, or gives any receipt for the payment of taxes, excise taxes, levies, or business license taxes in violation of the law or regulations; or who receives any amount tax permit, levy, or business license tax without delivering a receipt or evidence of payment; or who makes any unlawful or false entry in the receipt or evidence of payment issued, or in the fiscal documents or databases shall be punished by imprisonment for a fixed term of three (3) years.

Section 266. — Unlawful Purchase and Sale of Property for Payment of Taxes.

Any collector or agent shall be punished by imprisonment for a fixed term of three (3) years if he or she directly or indirectly performs any of the following acts:

(a) Purchases any portion of a real or personal property sold to satisfy a tax debt.

(b) Sells or aids in the sale of any real or personal property, knowing that such property is exempt from forfeiture or from taxation, or knowing that the tax debt for which said property is being sold has been satisfied.

(c) Sells or aids in the sale of any real or personal property to satisfy a tax debt of taxes for the purpose of defrauding the owner thereof.

(d) Issues a sales certificate for real property transferred under the circumstances described in the previous subsections.
(e) Otherwise hinders or prevents any person from bidding at a public tax auction.

Section 267. — Refusal to Permit Inspection of Books and Documents.

Any employee in charge of the collection, receipt, or disbursement of public funds who, upon being required, refuses or fails to permit any competent official to inspect books, documents, registries, and records relating to his or her office or obstructs the operation, shall be guilty of a misdemeanor.

CHAPTER II

OFFENSES AGAINST JUDICIAL POWER

Section 268. — False Statements or Claims of an Offense.

Any person who makes a false claim or a false statement in a complaint, request, information, or tips and leads, whether anonymously or under a fictitious name, to a person or official with authority under the law to conduct criminal investigations knowing it to be false about the commission of an offense, prompting a criminal investigation in connection therewith, shall be guilty of a misdemeanor.

If the alleged false statement constitutes a felony, said person shall be guilty of a felony and be punished by imprisonment for a fixed term of three (3) years.

[Amendments: Act 27-2017]

Section 269. — Perjury. *[Note: Act No. 246-2014 amended Sect. 269, but the official translation is not available. Please consult the Spanish version]*

Any person who takes an oath or affirmation, testifies, declares, deposes, or certifies truly before any competent court, body, officer, or person and states as true any material or important matter which he or she knows to be false, or who declares falsely in any material matter to be true which he or she does not know to be true, shall be punished by imprisonment for a fixed term of three (3) years.

A person shall also be guilty of perjury if, under the circumstances set forth in the previous paragraph, such person gives two or more inconsistent testimonies, declarations, depositions, or certifications. In this case, it shall not be necessary to establish the truthfulness or falsehood of the statements.

For the purposes of this Article, the term "body" shall include any institution with quasi-judicial, quasi-legislative, or quasi-adjudicative powers.

Section 270. — Aggravated Perjury. *[Note: Act No. 246-2014 amended Sect. 270, but the official translation is not available. Please consult the Spanish version]*

If a statement made under the circumstances set forth for the offense of perjury results in the restraint of the liberty or the conviction of a defendant, it shall be punished by imprisonment for a fixed term of eight (8) years.

Section 271. — Form of Oath.

For the purposes of the offense of perjury and aggravated perjury, no special form of oath or affirmation shall be required. It shall be administered in a form calculated to awaken the conscience and impress the mind of the witness with the duty to do so.

Section 272. — No Defense.

It is no defense to a prosecution for perjury or aggravated perjury that:

(a) The oath was administered or taken in an irregular manner.

(b) The defendant did not know the materiality of the false statement made by him or her, or that it did not in fact affect the proceeding. It is sufficient that it was material and might have been used to affect such proceeding.

Section 273. — Deposition or Certificate when Complete.

The making of a deposition or certificate is deemed to be complete, for the purposes of the offenses of perjury and aggravated perjury, from the time when it is delivered by the defendant with the intent to be published, uttered, or employed as true.

Section 274. — Taking Justice in One's Hand.

Any person who takes justice in his or her own hands rather than resorting to a public authority for the purpose of exercising an existing or alleged right shall be guilty of a misdemeanor.

If the offense is committed by violence or intimidation against other persons or by force upon objects, the person shall be punished by imprisonment for a fixed term of three (3) years.

Section 275. — Escape. *[Note: Act No. 246-2014 amended Sect. 275, but the official translation is not available. Please consult the Spanish version]*

Any person held in preventive detention, imprisoned, restrained of liberty or confined in an institution, or undergoing treatment and rehabilitation as a security measure, in a program of the Commonwealth of Puerto Rico or a private program, supervised and licensed by a government agency, or in a special diversion program under Rule 247.1 of the Rules of Criminal Procedure, or under a special law, who escapes from or evades the lawful custody exercised over him or her by another person with legal authority therefor, and any other person acting jointly with the latter shall be punished by imprisonment for a fixed term of three (3) years.

The punishment shall be imposed in addition to the sentence imposed for the other offense, or to the sentence being served. No sentencing alternatives to incarceration nor special diversion program shall be available for this offense.

Section 276. — Aiding Escape. *[Note: Act No. 246-2014 amended Sect. 276, but the official translation is not available. Please consult the Spanish version]*

Any person in charge of the custody of another serving a sentence of imprisonment or restraint of liberty who causes, aids, permits, or facilitates the escape of the latter under any of the circumstances set forth for the offense of escape shall be punished by imprisonment for a fixed term of eight (8) years. In all other cases, the defendant shall be punished by imprisonment for a fixed term of three (3) years.

Section 277. — Possession and Introduction of Articles into a Penal Facility. *[Note: Act No. 246-2014 amended Sect. 277, but the official translation is not available. Please consult the Spanish version]*

Any person who introduces, sells or aids in the sale, or who possesses with the intent to introduce or sell narcotics, drugs, or any other controlled substance or any type of weapon, alcoholic or intoxicating beverages, explosives, projectiles, or cellular telephones or other portable communication devices, or any other article that could affect the good order or security of any penal institution or facility of the correctional system, from and into such institution or facility to an inmate, knowing he or she is an inmate, shall be punished by imprisonment for a fixed term of three (3) years.

Any person who is incarcerated in a penal facility or detained in a juvenile facility who possesses, without authorization, cellular telephones or another portable communication devices, or any other article that may affect the good order or security of a penal institution or facility of the correctional system, from or into such facility or institution shall be punished by imprisonment for a fixed term of three (3) years.

Section 278. — Tampering or Disabling an Electronic Monitoring Device.

Any person who tampers with or disables an active electronic monitoring device shall be punished by imprisonment for a fixed term of three (3) years.

[Amendments: Act 13-2024]

Section 279. — Contempt.

A person shall be guilty of a misdemeanor if he or she engages in any of the following acts:

(a) Breach of the peace, noise, or other disturbance, or disorderly, contemptuous, or insolent behavior committed in the presence of the court or a judge during a court investigation or proceeding, directly tending to interrupt its proceedings, or to impair the respect due to its authority, or in the presence of any jury while actually sitting or deliberating for the trial of a cause.

(b) Willful disobedience of any decree, mandate, process, or other lawful order issued or entered by any court.
(c) Contumacious and unlawful refusal to be sworn as a witness or to fulfill requirements as such, in any court proceeding or after being sworn or having fulfilled such requirements, to answer any legal and proper interrogatory without lawful excuse.
(d) Express or vituperative criticism of the decrees, orders, judgements, or proceedings of any court with the intent to discredit the court or a judge.
(e) Knowingly publishing a false or grossly inaccurate report of the proceedings of the court.

Section 280. — Concealing. *[Note: Act No. 246-2014 amended Sect. 281, but the official translation is not available. Please consult the Spanish version]*

Any person who knowingly conceals a person who has committed an offense, or who willfully destroys, alters, or conceals evidence with the intent to obstruct the action of justice shall be punished by imprisonment for a fixed term of three (3) years.

When the concealer acts with the intent to make profit or is a public official or employee and commits the offense by taking advantage of his or her office or employment, he or she shall be punished by imprisonment for a fixed term of eight (8) years.

Section 281. — Impeding or Tampering with a Witness.

Any person who, without any legal justification, impedes, hinders or attempts to hinder, dissuades or attempt to dissuade another, who is or may be a witness, from attending or testifying in any investigation, proceeding, hearing, or any judicial, legislative or administrative matter or in any other process authorized by law, shall be punished by imprisonment for a fixed term of three (3) years.

[Amendments: Act No. 246-2014; Act 27-2017]

Section 282. — Fraud or Deceit Against Witnesses. *[Note: Act No. 246-2014 amended Sect. 282, but the official translation is not available. Please consult the Spanish version]*

Any person who practices any fraud or deceit for the purpose of affecting the testimony of any witness or person about to be called as a witness upon any investigation, proceeding, hearing, or judicial, legislative, or administrative matter, or any other process authorized by the law, or who knowingly makes or exhibits any statement, representation, or writing to any such witness or person for the purpose of unlawfully affecting his or her testimony shall be punished by imprisonment for a fixed term of three (3) years.

Section 283. — Threatening or Intimidating Witnesses. *[Note: Act No. 246-2014 amended Sect. 283, but the official translation is not available. Please consult the Spanish version]*

Any person who threatens to cause physical injury to or serious damage to the property of another person or his or her family or engages in conduct that constitutes intimidation or threat,

whether physical, written, verbal, or nonverbal, knowing that a person is or may be called as a witness in any investigation, proceeding, hearing, or judicial, legislative or administrative matter, whether already in progress, if the latter entails penalties in excess of five thousand dollars ($5,000) or the suspension from work without pay, for the purpose of preventing the testimony of said witness, or cause the witness to withhold or change his or her testimony, shall be punished by imprisonment for a fixed term of eight (8) years.

If the victim is under the age of twenty-one (21), the defendant shall be punished by imprisonment of a fixed term of ten (10) years.

Section 284. — Conspiracy, Threats Against or Attempts On Officers of the Judicial System or their Family. *[Note: Act No. 246-2014 amended Sect. 284, but the official translation is not available. Please consult the Spanish version]*

Any person who conspires, threatens, attempts to or commits an offense against the person or property of a police officer, bailiff, correctional officer, investigating officer, or other law enforcement officer, prosecutor, judge or other public official because of a criminal investigation, an arrest, an accusation, a prosecution, a conviction or a detention, or against any family member of such officers within the fourth degree of consanguinity or second degree of affinity, and said conspiracy, threat, or attempt to commit an offense against the person or property arises during or as a result of an investigation, proceeding, hearing or matter which such officer is or has been conducting in the performance of his or her official duties shall be punished by imprisonment for a fixed term of three (3) years.

Section 285. — Tampering with Evidence. *[Note: Act No. 246-2014 amended Sect. 285, but the official translation is not available. Please consult the Spanish version]*

Any person who knowing that any documentary evidence or object that may be presented as evidence in any investigation, proceeding, hearing or judicial, legislative, or administrative matter, or in any other procedure authorized by law, destroys or conceals the same for the purpose of impairing the presentation thereof, shall be punished by imprisonment for a fixed term of three (3) years.

Section 286. — Fabricating Physical Evidence. *[Note: Act No. 246-2014 amended Sect. 286, but the official translation is not available. Please consult the Spanish version]*

Any person who upon any investigation, proceeding, hearing, or judicial, legislative, or administrative matter, or in any other procedure authorized by law, purposely prepares, as genuine or true, any book, paper, document, record, instrument in writing, or other object that has been forged or ante-dated, shall be punished by imprisonment for a fixed term of three (3) years.

Section 287. — Giving False Evidence. *[Note: Act No. 246-2014 amended Sect. 287, but the official translation is not available. Please consult the Spanish version]*

Any person who, upon any investigation, proceeding, hearing or judicial, legislative, or administrative matter, or in any other procedure authorized by law, offers in evidence, as genuine

or true, any evidence in writing knowing the same to have been altered, ante-dated, or forged shall be punished by imprisonment for a fixed term of three (3) years.

Section 288. — Certifying to False or Incorrect Jury Lists.

Any person charged by law with the certification of any jury list who certifies to a false or incorrect list, or a list containing other names than those selected; or who being legally required to write down the names placed on the certified lists on separate pieces of paper does not write down the names and place in the jury box the same names that are on the certified list, and no more and no less than are on such list, shall be punished by imprisonment for a fixed term of three (3) years.

Section 289. — Tampering with Jury List.

Any person who adds a name to the list of persons selected to serve as jurors either by placing said name in the jury box or otherwise, or extracts any name therefrom, or destroys the jury box, or any of the ballots containing the names of jurors, or mutilates or defaces such names so that the same cannot be read, or changes such names on the ballots except in cases allowed by law, shall be punished by imprisonment for a fixed term of three (3) years.

Section 290. — Obstruction of Jury Selection Process. *[Note: Act No. 246-2014 amended Subsection 290(a), but the official translation is not available. Please consult the Spanish version]*

A punishment by imprisonment for a fixed term of three (3) years shall be imposed on any person who, in any manner:

(a) Interferes with the jury selection process with the intent to prevent the orderly administration of criminal proceedings.

(b) Provides the Office of Administration of Jury Service or the court with false information during the jury selection process.

Aggravating circumstances shall apply to the punishment imposed when the person is related to a specific case as a defendant, witness, qualified jury candidate, or court official.

Section 291. — Promise to Render a Certain Verdict or Decision.

Any juror or person selected or summoned for jury service, any judge, arbitrator, or person authorized by law to hear and decide any issue or controversy shall be punished by imprisonment for a fixed term of eight (8) years if said person or juror:

(a) Promises or agrees to render a verdict or decision in favor of or against one of the parties; or

(b) Admits any book, paper, document, or report pertaining to any cause of action or issue pending before said person, except in the regular course of proceedings.

Section 292. — Jury Tampering.

Any person who attempts to influence a judge, juror, or person summoned or drawn as a juror, or chosen as or appointed an arbitrator, or person authorized by law to hear and decide on any

issue or controversy in respect to his or her verdict or decision of any cause or proceeding pending, or about to be brought before him or her shall be punished by imprisonment for a fixed term of three (3) years if it is by means of any of the following:

(a) Any oral or written communication with such person, except in the regular course of proceedings.

(b) Any book, paper, or instrument exhibited, otherwise than in the regular course of proceedings.

(c) Any threat, intimidation, persuasion, or entreaty.

Section 293. — Denying or Concealing Relationship to Interested Party. *[Note: Act No. 246-2014 amended Sect. 293, but the official translation is not available. Please consult the Spanish version]*

Imprisonment for a fixed term of three (3) years shall be imposed on:

(a) Any defense or prosecuting attorney taking part in a case tried by jury, or any judge presiding over a case, who conceals the fact that he or she is related by consanguinity or affinity within the fourth degree to any of the jurors selected for the case.

(b) Any person selected to serve as a juror who, for the purpose of avoiding being disqualified as a juror, conceals, or denies any relation by consanguinity or affinity within the fourth degree to the defendant, or his or her attorney, judge, prosecuting attorney, or witnesses taking part in the case.

Section 294. — Terminating or Suspending Employee for Performing Jury or Witness Service.

Any employer that terminates, or authorizes or consents to terminate, and any person who threatens to terminate or terminates, suspends, reduces wages, or demotes an employee, or who imposes or attempts to impose onerous working conditions upon an employee because such employee has been summoned to serve, is serving, or has served as a juror, or has been summoned or subpoenaed to appear under penalty of contempt before a judge, court, prosecutor, state or federal administrative agency, both Houses of the Legislative Assembly and the Committees thereof, a Municipal Legislature and the Committees thereof, or any employer who refuses to reinstate an employee who has requested to be reinstated within forty-eight (48) hours after having ceased to serve as juror or witness, shall be guilty of a misdemeanor.

CHAPTER III — OFFENSES AGAINST THE LEGISLATIVE POWER

Section 295. — Altering Draft of Bill.

Any person who alters the draft of any bill, ordinance, or resolution presented to either of the Houses composing the Legislative Assembly or the Municipal Legislature and their respective committees to be passed and adopted for the purpose of procuring it to be passed or adopted by either House or Municipal Legislatures, or certified by their Presiding Officers, in language different from that intended, shall be punished by imprisonment for a fixed term of three (3) years.

Section 296. — Altering Engrossed Copy of Bill.

Any person who alters the engrossed copy of a bill, ordinance, or resolution which have been passed by the Legislative Assembly, either House thereof, or a Municipal Legislature for the purpose of procuring it to be approved by the Governor or Mayor, or certified by the Secretary of State or Municipal Clerk, as the case may be, or printed or published by the official publisher of statutes and ordinances in language different from that in which it was passed, approved, signed, or promulgated, shall be punished by imprisonment for a fixed term of three (3) years.

Section 297. — Disturbing or Interrupting the Legislature while in Session.

A person shall be punished by imprisonment for a fixed term of three (3) years if said person:

(a) Disturbs, interrupts, or prevents the Legislative Assembly, or either of the Houses composing it, the Municipal Legislatures or any of the members and the committees thereof, while in session; or

(b) Commits any disorderly conduct in the immediate view and presence of the Legislative Assembly, or either of the Houses composing it, the Municipal Legislatures, or any of the members and the committees thereof, while in session, tending to interrupt its proceedings or impair the respect due to its authority.

Section 298. — Witness Refusal to Attend, Testify, or Produce Evidence Before the Legislative Assembly or a Municipal Legislature. *[Note: Act No. 246-2014 amended Sect. 298, but the official translation is not available. Please consult the Spanish version]*

A person shall be punished by imprisonment for a fixed term of three (3) years if:

(a) Being duly summoned to attend as a witness before either House of the Legislative Assembly, a Municipal Legislature, or any committee thereof, such person refuses to attend and obey said summons or neglects to do so without lawful excuse; or

(b) Being present before either House of the Legislative Assembly, a Municipal Legislature, or any committee thereof, such person willfully refuses to be sworn as a witness, or to answer any material and proper question, or to produce upon reasonable notice any book, document, or record in his or her possession or under his or her control.

TITLE V — CRIMES AGAINST HUMANITY SINGLE CHAPTER OFFENSES AGAINST HUMAN RIGHTS

Section 299. — Genocide. *[Note: Act No. 246-2014 amended Subsection 299(c), but the official translation is not available. Please consult the Spanish version]*

Any of the acts mentioned below constitute genocide when committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group as such:

(a) Killing members of the group.
(b) Causing serious bodily or mental harm to the members of the group.
(c) Deliberately inflicting on the group conditions of life that are intended to cause the physical destruction of the group in whole or in part.
(d) Imposing measures intended to prevent births within the group.
(e) Forcibly transferring children of the group to another group.

Any person convicted of genocide shall be punished by imprisonment for a fixed term of ninety-nine (99) years.

Section 300. — Crimes Against Humanity. *[Note: Act No. 246-2014 amended Sect. 300, but the official translation is not available. Please consult the Spanish version]*

Any of the following acts shall be deemed to be a crime against humanity when committed as part of a widespread or systematic attack directed against a civilian population:

(a) Murder;
(b) Extermination;
(c) Involuntary servitude or slavery, as defined in Article 159 of this Code;
(d) Human trafficking, as defined in Article 160 of this Code;
(e) Deportation or forcible transfer of population;
(f) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
(g) Torture;
(h) Rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
(i) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, or other grounds that are universally recognized as impermissible under international law;
(j) Enforced disappearance of persons;
(k) The crime of apartheid;
(l) Other inhumane acts of a similar nature intentionally causing great suffering, or serious injury to body or to mental or physical health.

Any person who commits any of the crimes against humanity set forth in subsections (a), (b), (h), in the form of sexual assault and (j) of this Article, shall be punished by imprisonment for a fixed term of ninety-nine (99) years.

Any person who commits any other crime against humanity shall be punished by imprisonment for a fixed term of twenty-five (25) years.

For the purposes of this Article, the following terms or phrases shall have the meanings stated below:

(a) "Extermination" means the intentional infliction of conditions of life, the deprivation of access to food or medicine, among others, calculated to bring about the destruction of part of a population.
(b) "Deportation or forcible transfer of population" means the forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law.

(c) "Forced pregnancy" means the unlawful confinement of a woman forcibly made pregnant with the intention of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting laws relating to pregnancy.

(d) "Persecution" means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity.

(e) "The crime of apartheid" means the conduct which implies the commission of a number of acts against a civilian population pursuant to a state or an organizational policy to commit such acts or to promote such policy in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group, with the intention of maintaining that regime.

(f) "Enforced disappearance of persons" means the arrest, detention, or abduction of persons by, or with the authorization, support, or acquiescence of a state or a political or paramilitary organization, followed by a refusal to acknowledge the deprivation of freedom or to give information on the fate or whereabouts of those persons with the intention of removing them from the protection of the law for a prolonged period of time.

TITLE VI — COMPLEMENTARY PROVISIONS

Section 301. —Repeal.

Act No. 149-2004, as amended, known as the "Penal Code of the Commonwealth of Puerto Rico," is hereby repealed.

Section 302. — Continuous Review of this Code and Criminal Laws.

The Legislative Assembly of Puerto Rico shall establish a reviewing body the duties which shall include, to evaluate the laws on the administration of criminal justice, the Rules of Criminal Procedure, and the laws that classify offenses in order to propose the necessary changes to conform their provisions to the provisions of this Code, among others.

The recommendations of the reviewing body shall promote attainment of the objectives established in this Code and assist in establishing a rational and scientific basis for its future review and adoption of special laws containing criminal provisions. The reviewing body shall discharge its integrating and reviewing duties in accordance with a work plan consisting in conducting studies and making recommendations on legislation based on the order of priority to be established by the Legislative Assembly of Puerto Rico and its respective Committees on the Judiciary. The reviewing body shall have authority to draft amendments or repeals and to suggest new legislation that may complement or be included in this Code by adding new titles, parts, or sections. The initial work of this Joint Committee shall consist in adjusting special criminal laws to this Code, a process that shall be completed before the provisions thereof become effective.

Section 303. — Application of this Code throughout Time. *[Note: Act No. 246-2014 amended Sect. 303, but the official translation is not available. Please consult the Spanish version]*

Any conduct committed prior to the effective date of this Code in violation of the provisions of the Penal Code hereby repealed or of any other special criminal laws shall be governed by the laws in effect at the time the act was committed.

A change in the name of an offense does not mean that the type of offense has been suppressed.

Section 304. — Severability.

If any clause, paragraph, article, section, chapter, title, or part of this Code were held to be unconstitutional by a competent court, the holding to such effect shall not affect, impair, or invalidate the remainder of this Code. The effect of said holding shall be limited to the clause, paragraph, article, section, chapter, title, or part of this Code thus held to be unconstitutional.

Section 305. — Power to Punish for Contempt.

This Code shall not affect the power conferred by law to any court, public agency, administration, or official to punish for contempt.

Section 306. — Offenses Not Included in this Code.

The inclusion of some offenses or provisions contained in special laws in this Code shall not mean that said laws and special offenses not incorporated in this Code have been repealed.

Section 307. — Transition Clause for the Imposition of Punishments under Special Penal Laws. *[Note: Act No. 246-2014 amended Sect. 307, but the official translation is not available. Please consult the Spanish version. Act No. 27-2017 amended Sect. 307]*

Felonies included in special penal laws under the felony classification system established in Act No. 149-2004, as amended, known as the "Penal Code of the Commonwealth of Puerto Rico," that have no statutory punishment affixed thereto, shall be subject to the following punishments, adjusted according to the applicable aggravating and mitigating circumstances:

(a) First Degree Felony – shall carry a punishment of imprisonment for a fixed term of ninety-nine (99) years.

(b) Severe Second-Degree Felony – shall carry a punishment of imprisonment for a fixed term of twenty-five (25) years.

(c) Second Degree Felony – shall carry a punishment of imprisonment for a fixed term of fifteen (15) years.

(d) Third Degree Felony – shall carry a punishment of imprisonment for a fixed term of eight (8) years.

(e) Fourth Degree Felony – shall carry a punishment of imprisonment for a fixed term of three (3) years.

Section 308. — Terms to be Eligible to be Considered for Parole by the Parole Board. *[Note: Act No. 85-2022 and Act No. 85-2024 amended Sect. 308, but the official translation is not available. Please consult the Spanish version].*

Any person convicted under the provisions of this Code may be considered for parole by the Parole Board after serving seventy-five percent (75%) of the sentence of imprisonment imposed.

In the case of felonies carrying a term of imprisonment of fifty (50) years, a person may be considered for parole by the Parole Board after serving twenty (20) years of his or her sentence or ten (10) years, in the case of a juvenile tried and sentenced as adult.

In the case of a person convicted of first-degree murder, an offense carrying a ninety-nine (99)-year sentence or habitual recidivism, such person may be eligible to be considered for parole by the Parole Board after serving thirty-five (35) calendar years of his or her sentence, or fifteen (15) calendar years in the case of a juvenile tried and sentenced as adult. Persons convicted under subsection (c) of Article 93 are excluded from Parole.

If a juvenile tried as adult is sentenced for more than one offense to be served consecutively, the term to be eligible shall be computed taking only as a basis the penalty for the most serious offense. If the maximum penalty to be served is the same for two (2) or more offenses, only one (1) of the terms shall be used, regardless of whether the law under which the offender is convicted is a special law.

[Amendments: Act No. 246-2014; Act No. 30-2022]

Section 309. — Effectiveness.

This Code shall take effect on September 1, 2012.

Note. This compilation was prepared by the Puerto Rico Office of Management and Budget staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text and the collection of Laws of Puerto Rico Annotated LPRA. The state links acts are property of Legislative Services Office of Puerto Rico. The federal links acts are property of US Government Publishing Office GPO. Compiled by the Office of Management and Budget Library.

See also the **Original version Act**, as approved by the Legislature of Puerto Rico.