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## ***Puerto Rico Bill of Rights of Victims and Witnesses of Crimes Act***

Act No. 22 of April 22, 1988, as amended

(Contains amendments incorporated by:

[Act No. 184 of July 29, 1998](#)  
[Act No. 307 of December 23, 1998](#)  
[Act No. 163 of August 12, 2000](#)  
[Act No. 14 of February 18, 2011](#)  
[Act No. 33 of August 27, 2021](#)

[Amendments non-incorporated:

Act No. 17 of January 12, 2023 (*amended Section 2A*)]

To establish the Bill of Rights of Victims and Witnesses of Crimes and to provide the means that shall be available to claim such rights.

### STATEMENT OF MOTIVES

A system of justice that is not equitable with respect to the protection of the rights of the accused person and the due protection of the victims of crimes is doomed to failure. The justice system in our democracy was designed so that the people could trust in it, but in recent years we have become aware that there is no adequate balance between the protection given to the accused person and the protection granted to the victim when said balance, in essence, is the cornerstone of its wisdom. In order to obtain said balance, the efforts of the Government and of the community should be directed to satisfying the three basic needs of the victims, to wit: respect for their dignity, be protected, and be consulted.

In accordance with this principle, [Act No. 77 of July 9, 1986](#), was approved which declared that it is the public policy of the Commonwealth of Puerto Rico to provide protection and assistance to the victims and witnesses during judicial procedures which are tried in the Courts as well as during the investigations that are conducted, to motivate their cooperation and full participation in those procedures, free from intimidation. Furthermore, our code of laws also contains other laws that have met the basic needs of the victims and witnesses of crimes.

Therefore, the Commonwealth of Puerto Rico recognizing in one single statute the responsibility that government agencies and private persons and entities have, in certain cases, of providing the necessary protection and assistance to victims and witnesses, hereby adopts the Bill of Rights of Victims and Witnesses in which the rights that, up to now have been recognized in several laws are gathered and complemented with other guarantees that have been recognized in other jurisdictions and have been adapted to the reality of our system. This shall contribute to make the citizenry fully aware of the rights and guarantees that the victims and witnesses of crimes are entitled to, and particularly, in the government agencies that make up the criminal justice system.

*Be it enacted by the Legislature of Puerto Rico:*

**Section 1. — Purpose of the Act.** (25 L.P.R.A. § 973)

In harmony with the public policy of the Commonwealth of Puerto Rico on providing protection and assistance to victim and Witnesses during judicial proceedings and investigations carried out pursuant to [Act No. 77 of July 9, 1986, as amended](#), the Bill of Rights of the Victims and Witnesses of Crimes is hereby adopted.

For the purposes of this Act, a victim shall be deemed to be any person, regardless of age, race, color, sex, physical or mental condition, political affiliation, political or religious beliefs, sexual orientation, gender identity, whether actual or perceived, socioeconomic status, social origin, national origin, citizenship or immigration status, who suffers harm, illness, or death as a direct result of an act classified as an offense under our code of laws. A witness shall be deemed to be any person, regardless of age, race, color, sex, physical or mental condition, political affiliation, political or religious beliefs, sexual orientation, gender identity, whether actual or perceived, socioeconomic status, social origin, national origin, citizenship or immigration status, in whose presence an act classified as an offense under our code of laws has been committed. Furthermore, a law enforcement officer shall be deemed to be any person whose duty is to protect people and property, and preserve public order and safety. The foregoing includes, but is not limited to, all members of the [Puerto Rico Police Bureau](#) and the Municipal Police, the members of the Natural and Environmental Resources Ranger Corps, the agents of the Special Investigations Bureau of the Department of Public Safety, and the Marshals of the Judicial Branch. Any state government employee with express authority to make arrests in the discharge of his duties and special responsibilities shall also be deemed to be a law enforcement officer in a limited capacity.

**Section 2. — Bill of Rights of Victims and Witnesses of Crimes.** (25 L.P.R.A. § 973a)

Any person who qualifies for protection under the provisions of [Act No. 77 of July 9, 1986, as amended](#) shall be entitled to:

- (a) Receive compassionate and dignified treatment from the public officials and employees that represent the agencies that compose the criminal justice system, during the phases of investigation, proceedings, sentencing and subsequent disposition of the criminal case filed against the person responsible for the crime.
- (b) Have access to a telephone, free of charge, so that the person can communicate with his family or next of kin or with his legal counsel, as soon as he is in contact with the criminal justice system.
- (c) Demand that the information concerning their addresses and telephone numbers remain confidential when deemed necessary to ensure their personal safety and that of their relatives, as well as the privileged communications between the victim and his/her counsel as guaranteed by Rule 26-A of the Rules of Evidence, as amended.

For such a purpose, the home and business addresses, as well as the telephone numbers of victims or witnesses of a crime shall be kept confidential. No report, paper, drawing, photograph or document filed in court or any other document related to a crime containing said information,

which is under the custody or in possession of any public official or employee, including the prosecutor, the police or court employees, shall be available for public inspection unless the information regarding the addresses and telephone number of the victim or the witnesses has been omitted. No public official or employee may divulge the information concerning the addresses and telephone numbers of the victims or witnesses except to:

(1) Those public officials and employees who in order to discharge their duties require said information, including the police, prosecutors, probation officers or the prison and court officials and employees charged with investigating, prosecuting or maintaining files related to crimes or to the accused, or who have other legal duties inherent to the office they hold.

(2) Any government agency or entity that provides compensation or services to victims and witnesses or that investigates or adjudicates claims for such compensations or services.

(3) Any organization or group whose purpose is to provide advisory or any other services or aid to the victims of crimes and therefore need the addresses and telephone numbers of the victims so as to provide these services, pursuant to the provisions of §§ 973—973c of this title. Said information shall not be available to entities that request the information in question for business purposes.

(4) Any person or agency having the written consent of the victim or the witness or of the parents, spouse or other person legally responsible for the care of the victim or witness, except when otherwise provided by a court order.

(5) Any person who before or after the trial concerning the case to which the victim or the witness are related, petitions the court with jurisdiction over the case for said information and the court orders that said information be given to said person. The court shall issue an order only after:

(i) The person making the petition proves to the satisfaction of the court that there is good cause to provide said information;

(ii) the court has been sufficiently assured by the prosecutor that the victim or the witness is not at risk of any personal danger whatsoever should the information be divulged or is properly protected against such a risk, and

(iii) the victim or witness, their parents, spouse or any person legally responsible for caring for the victim or the witness, as well as the prosecutor have been notified in writing concerning said order at least one hundred and twenty (120) hours before said order was signed.

During the trial or a hearing related to a criminal proceeding, the court shall order that neither the residential nor the business address, or the telephone numbers of the victim or witness of the crime be divulged in open court and that the victim or witness be not required to disclose, upon questioning by the attorney for the defense or by the prosecutor, their addresses or telephone numbers, unless the court determines that there is clear need for such information since said information is necessary and relevant to the facts of the case or to establish the credibility of the witness. The burden of proving the need and relevance of disclosing said information shall rest on the defense or the party requesting said information. Before issuing an order authorizing said disclosure, the court shall make reasonably sure that the victim or the witness is not at risk of suffering any personal harm whatsoever as a result of said disclosure or that they are properly protected from such a risk.

None of the contents of this provision shall be interpreted as implying that the court excludes the public from any stage of the proceedings nor that it interferes with the right of the accused to disclose evidence or that public access to government information or the right of the media to publish legally obtained information are limited.

The prosecutor or the person authorized by the latter, within the district in which a private organization rendering services to the victims and witnesses requests information regarding the addresses and telephone numbers of the victim or the witnesses, may authorize the office of the prosecutor, the police or other public officials or employees to disclose said information to said organization if it concludes that:

- (1) The primary purpose and the good faith of the organization is to provide services, counseling or other aid to the victims of crime;
- (2) the services provided shall be of benefit to the victims or the witnesses, and
- (3) the organization does not request the information for business purposes. No business or profit-making agency shall be deemed to operate for the primary purpose and the good faith of providing counseling or aid to the victims of crime.

Any organization which has been refused the information may request a review of the decision of the Secretary of Justice, who may order that the information be divulged according to the aforementioned criteria. Both the organization and its employees or those volunteers working for the former shall maintain the confidentiality of the information.

It shall be unlawful to divulge, solicit, receive, make use of, authorize or knowingly allow the use or the disclosure of information containing the residential addresses or the telephone numbers of victims or witnesses without their written consent, except for purposes directly related to the services rendered to the victims or witnesses or the administration of the programs or services of the organization.

Any person who violates the provisions of this subsection shall be sanctioned with the penalty of imprisonment for a fixed term of two (2) years. Should aggravating circumstances exist the fixed penalty established may be increased for up to a maximum of three (3) years; should extenuating circumstances exist, the penalty may be reduced by up to a minimum of one year.

The court, at its discretion, may impose the fixed penalty of imprisonment established or a fine which shall not exceed five thousand dollars (\$5,000), or both penalties.

**(d)** Receive all the protection services guaranteed by [Act No. 77 of July 9, 1986, as amended](#), for himself and his family against all possible threats and damages that they may suffer from the person responsible for the crime, his henchmen, friends and relatives, including, without it being understood as a limitation, the emergency telephone line, shelter, change of address and identity and direct surveillance.

**(e)** Be oriented as to all the medical, psychological, social and financial assistance programs that are available in the Commonwealth of Puerto Rico, to receive the correct information from the officials and employees of public and private agencies that administer these programs and to be guided as to the procedures for requesting such services.

**(f)** Receive, for himself and his family, all those services and benefits provided by medical, psychological, social and financial assistance programs that are available in the Commonwealth of Puerto Rico and for which he is eligible.

**(g)** Be notified in writing of the development of all stages of the investigation process, prosecution, and sentencing of the offender; hence, the victim or witness shall:

1. Be consulted prior to settling a claim or charge against the offender;
2. be informed of post-sentencing procedures upon request to the Puerto Rico Police Department, the Special Investigations Bureau, or the State Attorney's Office;
3. be informed by the Department of Corrections and Rehabilitation, as appropriate, in the event the offender is released upon serving his/her sentence, on probation, parole, under electronic monitoring, due to a health condition, or is transferred to a new correctional facility or placed in a halfway house. This notification shall be made within not less than thirty (30) days prior to the release;
4. be informed by the Department of Corrections and Rehabilitation of the offenders' escape from a penal institution, a hospital or a halfway house within twenty-four (24) hours or less from the time the Corrections Administration becomes aware of the fact;
5. be informed by the Department of Corrections of the offender's recapture within twenty-four (24) hours or less after the recapture, and
6. be informed by the Department of Corrections or the Parole Board, as appropriate, of the inmate's death, within a term that shall not exceed fifteen (15) days after the death.

The Puerto Rico Police Department, the Department of Justice, and the Parole Board, as applicable, shall be responsible for providing any necessary information to the Department of Corrections so that the latter may comply with the provisions of this Act and be able to notify victims and witnesses of crime.

**(h)** Have the District Attorney's Office promote the speedy handling of the criminal cases against the person responsible for the crime and especially cases of sexual crimes, abuse and domestic violence.

**(i)** Be present at all stages of the procedures against the person responsible for the crime when the laws and rules of procedure allow it, except in those cases prohibited by the court because the victim is a witness in the criminal procedure or due to other circumstances, and that the Puerto Rico Police, the Bureau of Special Investigations or the District Attorney's Office promptly inform the person when his presence is not necessary in the court.

**(j)** Receive, at all times that he is giving testimony in a court or before a quasi-judicial body, respectful and dignified treatment from the lawyers, prosecutors, judges and pertinent officials and employees and the protection of the judge or presiding official in cases of harassment, insults, attacks and abuses to the dignity and the honor of the witness or of his family and relatives.

**(k)** When dealing with rape victims to not be questioned on their sexual background pursuant to the provisions of Rule 21 of the Rules of Evidence, for the General Court of Justice of 1979, as amended.

**(l)** When dealing with a minor or disabled person to not be questioned as to the extent of the duty to say the truth, that he not be sworn or confirmed in this sense, and to file the corresponding suits for sexual offenses and abuse within the extended prescriptive term provided in Article 78 of the Penal Code of the Commonwealth of Puerto Rico.

**(m)** Have available to them, in the court where the judicial proceedings are being held against the person responsible for the crime, an area that is separated from the accused, his henchmen, friends and family and, when said separate area is not available, to receive other protective measures.

- (n) Have him relieved from personally appearing at the hearing to determine probable cause for arrest, when said testimony conveys a risk to his personal safety or that of his family or when he is physically or emotionally unable to do so.
- (o) Submit to the sentencing court a report on the financial and emotional effect the commission of the crime has caused him, as guaranteed by Rules 162.1 and 162.2 of the Rules of Criminal Procedure of 1963, as amended.
- (p) Receive the financial compensation due him for his appearance in the judicial proceedings, as well as the granting of judicial leave and reinstatement in his employment provided by Acts No. 388 of May 10, 1947, as amended; No. 122 of July 12, 1986, Act No. 5 of October 14, 1975, as amended, and Article 249 of the Penal Code of the Commonwealth of Puerto Rico.
- (q) Receive the benefit of restitution by the person liable for the crime in all those cases in which the Penal Code of the Commonwealth of Puerto Rico or special laws thus provide it.
- (r) Have all property that has been retained by pertinent authorities to be used as evidence returned to him as soon as possible.
- (s) Be informed of the name, age, and municipality of residence of the offender who committed the crime, or offense, against them, even if the offender is a minor, as the case may be. In all cases of sexual assault, victims shall have access to all information, including name, age, and address of the offender.
- (t) Not be questioned about their nationality or immigration status when reporting the commission of a crime, during and after any stage of the criminal proceedings, or when communicating with or and/or conducting transactions with any of the agencies that comprise the criminal justice system. Provided, that in such cases, law enforcement officers, including, but not limited to, all members of the [Puerto Rico Police Bureau](#) and the Municipal Police, the members of the Natural and Environmental Resources Ranger Corps, the agents of the Special Investigations Bureau of the Department of Public Safety, and the Marshals of the Judicial Branch, shall have an obligation to ensure that crime victims and or witnesses are provided with the appropriate services and that all of their rights are safeguarded.

It is further provided that every agency subject to this Act shall be required to offer training workshops to all their personnel. In addition, such agencies shall work together to develop educational materials directed at the entire community, which shall be made available through electronic means and in the physical facilities of each agency.

**Section 2A. — Bill of rights of minors, minors with disabilities and/or impairments. (25 L.P.R.A. § 973a-1)** *[Note: Act No. 17-2023, amended this Section, but the official translation is not available. Please consult the Spanish version]*

In addition to the rights listed in Section 2 of this Act, every victim or witness to a crime or offense under eighteen (18) years of age and every person who has a disability or mental retardation, shall have the following rights:

- (a) Shall not be exposed to experiences that could cause serious consequences to his/her mental and emotional health.
- (b) Offer, when the circumstances justify it, their testimony through available alternate means, whether in open court, through a closed circuit television system or by a deposition recorded on video tape, or any reliable recording system.



(c) Shall be accompanied in court by support personnel that may be a relative or person close to him/her, counselor or technical personnel of the program, or a competent professional, while giving testimony.

(d) In the course of the procedures, the court shall see to the welfare of the minor, giving priority in its calendar, to the procedures in which they are the victims or witnesses of crimes or offenses and shall avoid long hours of testimony without recess.

**Section 2B. — Victims and Witnesses Assistance Technicians.** (25 L.P.R.A. § 973a-2)

In order to implement the public policy established in this Act, the Victims and Witnesses Assistance Division is hereby created, attached to the Office of the Deputy Secretary of Criminal, Minors and Family Affairs; and attached to the Special Investigations Bureau of the Department of Justice, the Victims and Witnesses Protection and Assistance Division. The Victims and Witnesses Assistance Program shall also render its services through the Victims and Witnesses Assistance Technicians and other support personnel, appointed by the Secretary of Justice, who shall have the duty to provide guidance and support services to the victims or witnesses of a crime in accordance to their needs and the available financial resources. In the case of minors who are victims or witnesses to a crime, this personnel shall act as support personnel and shall accompany them through all the phases of the judicial process and procedures incidental to the same in order to provide them emotional support and to ensure their welfare.

**Section 3. — Action to Claim the Rights Granted by this Act.** (25 L.P.R.A. § 973b)

Any person entitled to any of the rights recognized by this Act, per se, through his tutor, or a public official or private person interested in his well-being, may resort to the Department of Justice or to any other administrative forum or part of the Court of First Instance of the judicial district in which he resides, to claim any right or benefit corresponding to him, or to request the suspension of any action that is in violation of the Bill of Rights of Victims and Witnesses.

The Department of Justice or the competent administrative forum to which the person resorts shall receive and investigate these complaints and shall handle the pertinent judicial actions. In the case a complaint charges a public official or a private person with a violation of the rights recognized by this Act, the Department shall resort to the competent forums and authorities so that the corresponding administrative measures and actions are taken.

The complaints filed for any violation of the rights recognized by this Act against judges or attorneys shall be dilucidated before the Supreme Court of Puerto Rico.

For the purposes of this paragraph, the term public official shall include the members of the Puerto Rico Police and the agents of the Bureau of Special Investigations, the agents of law and order, the prosecuting attorneys appointed by the Governor of Puerto Rico or designated by the Secretary of Justice, the Prosecutors for Minor's Affairs and any other public official or employee.

The courts shall give priority to the actions filed by virtue of this Act and shall be empowered to appoint a legal counsel or defense counsel for the victim or witness of a crime or their family if they do not have the financial resources therefor. The Court shall be empowered to render any order or judgment under the law that is needed to carry out the provisions of this Act.

Failure to comply with the orders and judgments rendered by the Court pursuant to this Section shall constitute civil contempt.

**Section 4. — Actions Reserved.** (25 L.P.R.A. § 973c)

The exercise of the action authorized by this Act is separate from any other civil or criminal action, right or remedy that is provided by the laws in effect, and none of the provisions of this Act shall limit, or impede the exercise of such actions, rights or remedies.

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

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 LPR.A. 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.