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Act to Provide for the Victims Be Notified When the Person Accused or Convicted is Free on Bail, Has Been Granted the Benefit of a Suspended Sentence or Parole, is Enjoying a Pass in the Community, or Escapes from the Institution Where He is Incarcerated

Act No. 91 of July 13, 1988

AN ACT

To provide for the victims of crimes against the life, corporal integrity rape, theft, assault, all including the attempt to commit them, as well as those crimes in which the elements of intimidation, or physical as well as mental force or violence arise from the complaint or accusation, be notified when the person accused or convicted of said act is free on bail, has been granted the benefit of a suspended sentence or parole, is enjoying a pass in the community, or escapes from the institution where he is incarcerated ;and that protection be granted by request of the victim in some of these circumstances.

STATEMENT OF MOTIVES

Act No. 77 of July 9, 1986 as amended, known as the “Witness and Victims Protection Act” declares as the Commonwealth’s public policy the provision of protection and assistance to victims and witnesses in judicial processes being heard in the Courts, as well as during investigations, made to encourage their cooperation and participation in these processes, fully and free from intimidation.

However, it is necessary to incorporate a broader scope to the criminal justice system for a longer period of time than that comprised by the judicial process, for those victims of crimes that include elements of intimidation force or physical as well as mental violence. These victims live in fear of being exposed to the risks of new attacks when the aggressor is free in the community. Due to this situation, there is a need to take all pertinent measures so that the victims are notified by the Commonwealth that the person charged or convicted is free in the community on bail, has been granted a suspended sentence, is on parole, is enjoying a pass to the community, or has escaped from the institution where he is confined, and to also provide the maximum protection possible when it is so requested in cases in which he is free on bail enjoying a pass to the community, or has escaped from the institution where he is confined.

Be it enacted by the Legislature of Puerto Rico:

Section 1. — (25 L.P.R.A. § 972h note)

Every victim in cases of crimes against their life, or corporal integrity, or rape, theft, assault, including the attempt to commit them, as well as those crimes in which from the complaint or accusation there arise elements of intimidation, force, or physical as well as mental violence, shall be notified when the person who is charged or convicted person is free in the community due to any of the following circumstances:

- (a) He is free on bail;
- (b) has been granted a suspended sentence;
- (c) has been granted parole;
- (d) is enjoying a pass in the community; or
- (e) has escaped from the institution where he has been confined.

Section 2. — (25 L.P.R.A. § 972h note)

The obligation to notify mentioned in Section 1 of this Act corresponds to the Court that has set the bail or granted the suspended sentence in the cases under subsections (a) and (b), to the Parole Board and the Corrections Administration in the cases mentioned in subsection (c) and to the Corrections Administration in those mentioned in subsections (d) and (e).

In those cases where the victim is receiving the benefit of protection under Act No. 77 of July 9, 1986 as amended, known as the “Victims and Witnesses Protection Act”, the obligation to notify shall fall on the Division for the Protection and Assistance of Victims and Witnesses.

Section 3. — (25 L.P.R.A. § 972h note)

When the victims of any of the crimes mentioned in Section 1 of this Act so request it, protection shall be given to them by the Division for Protection and Assistance of Victims and Witnesses in those cases in which the accused is free on bail, or the convict is enjoying a pass in the community, or if he has escaped from the penal institution as long as he is outside the institution.

Section 4. — (25 L.P.R.A. § 972h note)

This Act shall take effect immediately after its approval.

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See also the [Original version Act](#), as approved by the Legislature of Puerto Rico.