

(H.B. 787)

(No. 192)

(Approved December 26, 1997)

AN ACT

To amend Section 1, subsection (k) of Section 3 and Section 6 of Act No. 121 of July 12, 1986, as amended, known as the “Bill of Rights for Aged Persons”, in order to provide as an additional guarantee for the elderly the protection of their physical and mental health and that of their property against threats, harassment, coercion, or disturbance; include the Police among the group of officers and officials who may act as representatives of the interests of the elderly before the Unit to Investigate and Prosecute Civil Rights Violations of the Department of Justice and include the Office of the District Attorney of the Judicial Center closest to the residence of the elderly person as another office which may be approached to seek protection for an elderly person.

STATEMENT OF MOTIVES

Act No. 121 of July 12, 1986, as amended, known as the “Bill of Rights for Aged Persons”, sets forth the rights of the elderly. However, there has been a notable increase in the number of complaints filed by elderly persons claiming that close relatives and neighbors threaten, disturb, harass or coerce them to obtain financial benefits. It is often difficult to determine by the conduct of the disturber a chargeable crime that expedites its prosecution.

The purpose of these amendments is to redefine the public policy of the law to include the physical and emotional safety of the elderly, the protection of their privacy and their right to enjoy their property, as the grounds for a more aggressive effort for their protection extended by those judicial officials that the law itself empowers to enforce it.

Said amendments also broaden the acknowledged rights and powers of the judicial system to enforce the law.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- A new subsection (e) is hereby added and the former subsection (e) renumbered as subsection (f), of Section 1 of Act No. 121 of July 12, 1986, as amended, known as the “Bill of Rights for Aged Persons”, to read as follows:

“Section 1.- Public Policy

.....

(a)

(b)

(c)

(d)

(e) The protection of their physical or mental health and of their property against threats, harassment, coercion or disturbance on the part of any person.

(f)”

Section 2.- Subsection (k) of Section 3 of Act No. 121 of July 12, 1986, as amended, is hereby amended to read as follows:

“Section 3.- Rights of aged persons- Charter

All aged persons shall be entitled to;

(a)

(b)

.....

(j)

(k) Receive protection and physical and social security against physical and emotional abuse or psychological pressure by any person.

(l)

(m)"

Section 3.- Section 6 of Act No. 121 of July 12, 1986, as amended, is hereby amended to read as follows:

“Section 6.- Suit to claim

All aged persons, on their own, or by their tutor, or through a public official, police officer or private person concerned for their welfare, may go before the Unit to Investigate and Prosecute Civil Rights Violations of the Department of Justice, or before the Office of the District Attorney of the Judicial Center closest to their residence, or before any part of the Court of First Instance of the judicial district where they reside, to claim any right or benefit enacted in this Act or to request the suspension of any action which contravenes its provisions. The district attorneys and the courts shall grant priority to the actions brought by virtue of this Section. The courts shall have the power to appoint legal counsel or a judicial defender for the elderly persons and issue any order or judgment pursuant to law which may be needed to implement the provisions of this Act. Noncompliance of the orders and judgments issued by the court by virtue of this Section shall constitute civil contempt.”

Section 4.- Once this Act has been approved and published by the Department of State pursuant to the applicable norms, it shall be the responsibility of the Secretary of the Department of the Family to circulate copies thereof throughout all its offices in the country and in all police stations and headquarters.

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

March 8, 1999

José A. Figueroa-Lugo, Director of the Office of Legislative Services of the Legislature of Puerto Rico, hereby certifies to the Secretary of State that he has duly compared the English and Spanish texts of Act No. 192 (H.B. 787) of the 2nd Session of the 13th Legislature of Puerto Rico, entitled:

AN ACT to amend Section 1, subsection (k) of Section 3 and Section 6 of Act No. 121 of July 12, 1986, as amended, known as the “Bill of Rights for Aged Persons”, in order to provide as an additional guarantee for the elderly the protection of their physical and mental health and that of their property against threats, harassment, coercion, or disturbance; include the Police among the group of officers and officials who may act as representatives of the interests of the elderly before the Unit to Investigate and Prosecute Civil Rights Violations of the Department of Justice and include the Office of the District Attorney of the Judicial Center closest to the residence of the elderly person as another office which may be approached to seek protection for an elderly person,

and finds the same are complete, true and correct versions of each other.

José A. Figueroa-Lugo