

(S. B. 212)

(No. 199-2009)

(Approved December 29, 2009)

AN ACT

To amend Section 6.8 of Act No. 121 of July 12, 1986, as amended, known as the “Bill of Rights for Elderly Persons,” in order to add community service as punishment.

STATEMENT OF MOTIVES

Act No. 121 of July 12, 1986, as amended, known as the “Bill of Rights for Elderly Persons,” comprises a number of legal provisions that confer protection and safety to the elderly in Puerto Rico. The law cited above establishes a procedure whereby any elderly person, *pro se* or through another person, may request a restraining order when he/she is the victim of abuse. The Court may issue an *ex parte* restraining order in favor of a person who requests the same *pro se* or through another person if the Court finds that affirmative efforts have been diligently made to notify the respondent with a copy of the summons issued by the Court and the petition that has been filed with the Court, to no avail; if there is the possibility that giving prior notice to the respondent shall provoke the irreparable harm that the restraining order petition seeks to prevent; or when the petitioner proves the existence of a substantial likelihood of immediate risk of abuse or the fact that he/she has been the victim of any crime.

Act No. 121, *supra*, sets forth in Section 6.8 that violation of its provisions shall imply engagement in conduct that constitutes a misdemeanor and provides for a punishment by imprisonment of six (6) months and a penalty of a fine of five thousand dollars (\$5,000). This legislation seeks to arm the existing law with

sharper teeth by adding community service to the punishment of imprisonment and fine of five thousand dollars (\$5,000). Community service is hereby proposed in the discretion of the Court, to be imposed in addition to the fine on any person who engages in conduct that violates the provisions of Act No. 121, *supra*. Community service is to be rendered precisely at institutions for the elderly, so as to contribute to the rehabilitation of the person thus convicted. The community service that these persons are able to render at institutions for the elderly shall make a great contribution to such institutions. Being in contact with this population sector shall enable the convict to know and understand them better. In turn, being in contact with the staff that works at such institutions shall teach the convict to value and respect people of the third age and to treat them with respect and care.

Elderly persons in Puerto Rico constitute a large percent of our population. We owe them our history as a people, since through their work, effort, experience, productivity and dedication, they have built the present day Puerto Rico and their experience assists us in building Puerto Rico's future. This sector of our population deserves all our respect, protection, and safety against any person who attempts or inflicts abuse. Abuse of or the attempt to abuse elderly persons is an act which is condemned and repudiated by our society, for it goes against our highest and most cherished values and principles. The message we intend to convey with this legislation is clear—no tolerance for this kind of deviated conduct. We must not, however, overlook rehabilitation, since we believe that punishing these persons through fines or imprisonment is not a solution. We must take a step further in our commitment and the discharge of our responsibility to ensure the protection and well-being of our people and seek the rehabilitation of these persons, so that they may never engage in this reprehensible conduct.

This Legislative Assembly is convinced of the need and convenience of approving this legislation, for it serves social justice, promotes the rehabilitation of

abusive persons, and shall inure to the benefit of a sector of our population that deserves our greatest respect and our protection and to be shown how much they are valued and loved.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.—Section 6.8 of Act No. 121 of July 12, 1986, as amended, is hereby amended to read as follows:

“Noncompliance.—

Any knowing violation of a restraining order issued pursuant to this Act shall be punished as a misdemeanor and the convicted person shall be sanctioned with a term of imprisonment that shall not exceed six (6) months, a fine that shall not exceed five thousand dollars (\$5,000), or both penalties in the discretion of the court. Likewise, the Court may order that community service be rendered in lieu of the term of imprisonment established herein. Notwithstanding the provisions of Rule 11, as amended, and even though there may not be an order to such effect, any law enforcement officer must make an arrest if presented with a restraining order issued pursuant to this Act against the person to be arrested, or if he/she determines that there is such order after communicating with the pertinent authorities and he/she has grounds to believe that the provisions of the same have been violated.”

Section 2.—Effectiveness.—

This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 199-2009 (S. B. 212)** of the **2nd Session of the 16th Legislature** of Puerto Rico:

AN ACT to amend Section 6.8 of Act No. 121 of July 12, 1986, as amended, known as the “Bill of Rights for Elderly Persons,” in order to add community service as punishment.

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

In San Juan, Puerto Rico, on the 3rd day of October, 2012.

María del Mar Ortiz Rivera