(S.B. 690)

(No. 171)

(Approved July 24, 1998)

AN ACT

To the first paragraph of Section 18 and add Section 9-A to Act No. 8 of August 5, 1987, as amended, known as “Act for the Protection of Vehicular Property”, to increase the penalty established for the crime of misappropriation of vehicles; typify as a misdemeanor the possession of tools or instruments for the illegal appropriation of motor vehicles, and establish penalties.

STATEMENT OF MOTIVES

The Puerto Rico Police Preliminary Report on Type I Crimes of 1997, shows that 7,781 cases of misappropriation of motor vehicles had been reported as of June 30, 1997, which is 145 cases less than those reported for 1996. Nevertheless, auto theft is a cause of concern for every citizen who has to go about his daily activities and must park his automobile in a public place or, even more alarming, in the home.

Today, the purchase of an automobile is a basic need and not a mere luxury. In most cases, its acquisition means a large investment of the family’s budget. For others, an automobile is indispensable since it is the means used to generate income. Therefore, the illegal appropriation of motor vehicles is one of the crimes which most negatively affects the victim and his/her family. This delinquent activity also generates financial setbacks since the insurance companies are affected by the enormous number of
claims of this nature, which forces them to raise the cost of the policies of those insured by them.

The illegal appropriation of motor vehicles promotes innumerable other illicit activities which involve the sale of stolen cars or their parts, and also enables the commission of other crimes such as robbery, trafficking of drugs and firearms, murders and others, by providing transportation for those who are involved in this type of activity, which in turn, makes the process of identifying the perpetrators arduous for the police.

In Article 172 of the Penal Code of Puerto Rico, the Legislature included as a crime the possession of any tool, instrument or object designed, adapted or commonly used to commit the crime of burglary, when the holder has the specific intention of committing said crime. At present, the civil code of laws does not contemplate the conduct of holding instruments or objects that are commonly used to dismantle or illegally appropriate a motor vehicle, as a crime. Each day, the police intercept persons who hold instruments or objects in circumstances leading to the commission of this crime. However, since this conduct is not typified as a crime, the Criminal Justice System has no legal authority to prosecute any individual who incurs this type of activity. This measure proposes to typify the above-stated conduct as a misdemeanor, so that this activity which affects thousands of Puerto Ricans negatively, shall not go unpunished.

On the other hand, the crime of Aggravated Illegal Appropriation found in Article 166 of Act No. 115 of July 22, 1974, as amended, known as the “Penal Code of Puerto Rico”, establishes in paragraph (b), that any person who illegally appropriates chattels valued at two hundred dollars or more, without violence or intimidation, shall be punished by a penalty of imprisonment for a fixed term of ten (10) years; should there be aggravating
circumstances, the fixed term thus established can be increased to a maximum of twelve (12) years, if there were extenuating circumstances it can be reduced to a minimum of six (6) years.

Likewise, in Section 18 of Act No. 8 of August 5, 1987, as amended, known as the “Act for the Protection of Vehicular Property”, the modality of Illegal Appropriation of Motor Vehicles is typified as a crime. This Section establishes that any person who illegally and without violence or intimidation, appropriates a motor vehicle belonging to another person, shall be punished by a penalty of imprisonment for a fixed term of five (5) years. Should there be aggravating circumstances, the established fixed term shall be increased to a maximum of twelve (12) years, and if extenuating circumstances exist it may be reduced to a minimum of three (3) years.

Upon a careful evaluation of the conduct typified in both crimes, and their respective penalties, it is seen that even when the prohibited conduct is similar, there is disparity between the statutory penalties. Thus, in the cause of justice, this Legislature deems it is necessary to equate the penalties for these crimes. Therefore, the penalty established for the crime of Aggravated Illegal Appropriation has been used as a parameter, to revise and amend the penalty of Illegal Appropriation of Motor Vehicles.

**BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:**

Section 1.- The first paragraph of Article 18 of Act No. 8 of August 5, 1987, is hereby amended to read as follows:

“Article 18.- Illegal Appropriation of Vehicle; Special Penal Measures

Any person who without violence or intimidation, illegally appropriates a motor vehicle belonging to another person, shall be sanctioned by a penalty of imprisonment for a fixed term of ten (10) years. Should there be aggravating circumstances, the fixed term thus established may be increased
to a maximum of twelve (12) years; if there were extenuating circumstances, it could be reduced to a minimum of six (6) years. The Court can also impose the penalty of restitution in addition to the penalty of imprisonment established hereby.”

Section 2.- Article 19-A is hereby added to Act No. 8 of August 5, 1987, to read as follows:

“Article 19-A.- Possession of Tools Used in the Illegal Appropriation of Motor Vehicles or Parts.

Any person who has in his/her possession any tool, instrument or object designed, adapted or commonly used to commit the crime of illegal appropriation of a vehicle, or the appropriation of motor vehicle parts, with the intention of committing said crime, shall be sanctioned by a penalty of imprisonment which shall not exceed six (6) months, or a fine which shall not exceed five hundred (500) dollars, or both penalties, at the discretion of the Court.”

Section 3.- This Act shall take effect immediately after its approval.
August 26, 1999

Luis G. Hidalgo, 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. 171 (S.B. 690) of the 3rd Session of the 13th Legislature of Puerto Rico, entitled:

AN ACT to the first paragraph of Section 18 and add Section 9-A to Act No. 8 of August 5, 1987, as amended, known as “Act for the Protection of Vehicular Property”, to increase the penalty established for the crime of misappropriation of vehicles; typify as a misdemeanour the possession of tools or instruments for the illegal appropriation of motor vehicles, and establish penalties,

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

Luis G. Hidalgo