

(H. B. 272)  
(Reconsidered)

**(No. 133)**

(Approved October 25, 2005)

**AN ACT**

To amend paragraph (3) of subsection (a) of Section 3.8 and paragraph (3) of subsection (a) of Section 4.11 of Act No. 12 of July 24, 1985, as amended, known as the “Commonwealth of Puerto Rico Ethics in Government Act,” to provide that the prescription of crimes against the public functions established in this Act shall be in accordance with the provisions of the Penal Code of Puerto Rico.

**STATEMENT OF MOTIVES**

Act No. 12 of July 24, 1985, as amended, known as the “Commonwealth of Puerto Rico Ethics in Government Act,” established the necessary legal norms and rules to regulate the conduct of all public servants who hold positions in the different executive agencies, public corporations, and municipalities of the Government of Puerto Rico.

For such purposes, some crimes were typified under the Ethics in Government Act provided by Sections 3.8 and 4.11 of Act No. 12, *supra*. Legislators themselves determined that the crimes committed under Section 3.8 had a seven-year (7) prescription period from the time the officer ceased his/her office or public employment. However, for the crime provided in Section 4.11 a prescription period was established without specifying when it begins to count. This means that the prescription period of the crime established in Section 4.11 begins from the time the officer files a forged

document and not from the time when he/she leaves his/her office or public employment.

Through this Act, the Prosecutors of the Department of Justice shall be provided with uniformity in the prescription period of these crimes, so that they can criminally prosecute before the Courts of Justice those public officers who have attempted against the funds and the property of the Government of Puerto Rico, and violate the trust that the People have placed in them.

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

Section 1.- Paragraph (3) of subsection (a) of Section 3.8 of Act No. 12 of July 24, 1985, as amended, is hereby amended to read as follows:

“Section 3.8.- Sanctions and Remedies

(a) Action of a penal nature

(1)...

...

(3)The prescription term of crimes against public functions established in this Chapter shall be in accordance with the provisions of the Penal Code of Puerto Rico.

(4) ...

...”

Section 2.- Paragraph(3) of subsection (a) of Section 4.11 of Act No. 12 of July 24, 1985, as amended, is hereby amended to read as follows:

“Section 4.11.- Noncompliance or Misrepresentation

(a) Penal Actions

(1) ...

(2) ...

(3) The prescription term for crimes against the public functions established in this Chapter shall be in accordance with the provisions of the Penal Code of Puerto Rico.

(b) ...”

Section 3.- This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 133 (H.B. 272) (Reconsidered) of the 2<sup>nd</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend paragraph (3) of subsection (a) of Section 3.8 and paragraph (3) of subsection (a) of Section 4.11 of Act No. 12 of July 24, 1985, as amended, known as the “Commonwealth of Puerto Rico Ethics in Government Act,” to provide that the prescription of crimes against the public functions established in this Act shall be in accordance with the provisions of the Penal Code of Puerto Rico,

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

In San Juan, Puerto Rico, today 9<sup>th</sup> of March of 2006.

Francisco J. Domenech  
Director