

(H. B. 1336)

**(No. 81)**

(Approved May2, 2006)

**AN ACT**

To amend Section 6.8 of Act No. 121 of July 12, 1986, as amended, known as the “Bill of Rights for Aged Persons”, in order to increase the penalty to be imposed for knowingly violating a restraining order in favor of an elderly person issued according to said Act.

**STATEMENT OF MOTIVES**

The Bill of Rights for Aged Persons contains a series of legal provisions that guarantee the rights and benefits that cover elderly persons, so as to ensure their safety, protection, stability and tranquility factors, which enable them to enjoy good physical, mental and emotional health. Compliance with the provisions of Act No. 121 of July 12, 1986, as amended, is of utmost importance as it directly influences the wellbeing of elderly persons, in terms of guaranteeing the resources, services, benefits and more importantly, their rights.

Pursuant to Section 6.8 of said Act, knowingly violating a restraining order issued according to the provisions of the Bill of Rights for Aged Persons is typified as a misdemeanor. The penalty established for said violation consists of a term of imprisonment which shall not exceed six months a fine which shall not exceed five hundred (500) dollars, or both penalties at the discretion of the Court.

This Legislature, aware of the importance entailed by knowingly violating a restraining order issued in favor of an elderly person, given the

terrible consequence of the said violation, deems is pertinent to increase the penalty of the fine up to maximum of five thousand (5,000) dollars. We are convinced that the proposed legislation shall represent a real deterrent to discourage the referred to violation and that it shall strengthen the Act in effect to guarantee in the most forceful and firm manner the rights and benefits of the elderly.

***BE IT ENACTED BY THE LEGISLATURE 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:

“Section 6.8.- 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 (5,000) dollars, or both penalties at the discretion of the Court.

The provision of Rule 11 of Criminal Procedure, as amended, notwithstanding and even though there may not be an order to such effect, any law enforcement official 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.- This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 81 (H.B. 1336) of the 3<sup>rd</sup> Session of the 15<sup>th</sup> 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 Aged Persons”, in order to increase the penalty to be imposed for knowingly violating a restraining order in favor of an elderly person issued according to said Act,

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

In San Juan, Puerto Rico, today 8<sup>th</sup> of September of 2006.

Francisco J. Domenech  
Director