

(H. B. 1875)

**(No. 102)**

(Approved May 19, 2006)

## **AN ACT**

To add a new subsection (b) and renumber the present subsections (b), (c), (d) and (e) as subsections (c), (d), (e) and (f), respectively, of Section 7 of Act No. 116 of July 22, 1974, as amended, known as the “Organic Act of the Corrections Administration,” to provide the term within which the periodical evaluations of inmates shall be conducted.

## **STATEMENT OF MOTIVES**

The Constitution of the Commonwealth of Puerto Rico in its Article VI, Section 19, sets forth that it shall be the public policy of the Commonwealth “to regulate its penal institutions in a manner that effectively achieves their purposes and to provide, within the limits of available resources, for adequate treatment of delinquents in order to make possible their moral and social rehabilitation.” In view of these purposes, the Fourteenth Legislature approved Act No. 377 of September 16, 2004, known as the “Constitutional Mandate of Rehabilitation Act,” recognizing that the Government of the Commonwealth of Puerto Rico has the fiscal resources needed to comply with the processes of inmate reintegration into society, promoting a restorative justice model in the penal system for the achievement of social peace and protection.

Act No. 116 of July 22, 1974, as amended, known as the “Organic Act of the Corrections Administration,” is the entity in charge of promoting an integrated corrections system, directed toward the establishment,

development and implementation of rehabilitation programs and strategies, with emphasis on preventive, rehabilitating, educational and vocational measures for transgressors and inmates, by the structuring of efficient forms of individualized treatment.

From this perspective, the inmate classification system has been established, which provides for the periodical evaluation of the needs of each individual from the date of entry to the date of release, in accordance with the institutional policy of objectively classifying all inmates by assigning the necessary resources so that they may reintegrate into society as productive and law abiding citizens, an objective that represents the final goal of the rehabilitation process. Once the social, physical, emotional and mental circumstances and the criminal record of the inmates are known and analyzed, and their capabilities, interests, motivations, controls and limitations are also identified, the development of an action plan attuned to the principles of individualized treatment and public safety framed in the purposes of this Act is possible.

For the implementation of this policy, every correctional institution has a Classification and Treatment Committee constituted by the supervisor of the socio-penal unit or the socio-penal services technician of higher rank, a socio-penal technician and a corrections advisor or corrections officer, in addition to an institutional Corrections Health representative, if the decision concerning the reclassification of the inmate includes a health-related matter. In procedural terms, this Committee must analyze all information that is made available to it, request the appearance of the inmate, and discuss the decision made in this regard with the inmate, as well as the recommendations made, if any. Subsequently, the inmate should receive a copy of the decision of the Committee and the grounds for the same, as well as, a copy of the

classification appeal form, while guaranteeing due process during the prison adjudication procedures. The primary duty of said committee is to evaluate the inmates with respect to their needs, interests, limitations and social function, ensuring the goals of rehabilitation and public safety by placing each inmate in the least restrictive program and custody level possible for which the inmate qualifies, without undermining the safety and needs of society.

Administrative Order No. AC-2003-10, decreed by the Secretary of Corrections provided the term for the evaluation of the inmate by the Classification and Treatment Committee. However, the implementation thereof has been ineffective in practice, since it has been executed in different ways in the diverse institutions of the penal system.

The rehabilitation of the corrections population is a constitutional mandate, and for this reason, this Legislature deems it necessary and urgent to establish by law the term for the evaluation of the corrections population in order to guarantee a process that is favorable for their rehabilitation.

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

Section 1.- A new subsection b is hereby added to Section 7 of Act No. 116 of July 22, 1974, as amended, to read as follows:

“Section 7.-

All persons convicted ...

(a) ...

(b) The periodical evaluations provided in this Section shall be carried out in the manner established hereinbelow:

- (1) Minimum custody inmates shall be reviewed every twelve (12) months.

- (2) Medium custody inmates shall be reviewed every twelve (12) months.
- (3) Maximum custody inmates shall be reviewed every six (6) months, after the first year of sentence under the maximum custody classification has been served.

The procedure to be followed shall be in accordance with the provisions established in subsection c of Section 5 of this Act.

- (c) Carrying out these evaluations ...
- (d) Obtaining these services ...
- (e) Making these evaluations ...
- (f) Explaining to the ....”

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. 102 (H.B. 1875) of the 3<sup>rd</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to add a new subsection (b) and renumber the present subsections (b), (c), (d) and (e) as subsections (c), (d), (e) and (f), respectively, of Section 7 of Act No. 116 of July 22, 1974, as amended, known as the “Organic Act of the Corrections Administration,” to provide the term within which the periodical evaluations of inmates shall be conducted,

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

In San Juan, Puerto Rico, today 31<sup>st</sup> of October of 2007.

Francisco J. Domenech  
Director