

(H.B. 2501)

(No. 126)

(Approved July 19, 2006)

AN ACT

To amend Section 251 of Act No. 149 of June 18, 2004, known as the “Penal Code of the Commonwealth of Puerto Rico,” in order to establish that the crime of the “Use of Violence or Intimidation Against Public Authorities,” carry the penalty of a fourth degree felony.

STATEMENT OF MOTIVES

Every democratic and civilized society must have the proper tools to preserve the public law and order before any type of threat whereby violence or intimidation are employed to disrupt any of the basic elements of the system. Some of these tools include the statutes of a penal nature that typify as a crime the violent intervention with the public authorities.

Section 251 of the Penal Code assigns a penalty of “misdemeanor” to those persons who use violence and intimidation against a public officer, official or employee, including law enforcement agents while in the performance of their duties.

This Section was one of those included as part of the amendments made to the former Penal Code and which have provided substantial reductions to the penalties imposed to several crimes among which are included those, like this one, that are typified for their violent behavior.

The former Section 256 of the repealed Penal Code provided: “Any person who uses violence or intimidation against a public official or employee to compel him/her to perform an act contrary to his/her duties or

to omit an act inherent to his/her duties, or who, by the use of violence or intimidation offers resistance to said official or employee in the performance of his/her duties, shall be punished by imprisonment for a fixed term of three (3) years. Should there be aggravating circumstances the fixed penalty established may be increased to a maximum of five (5) years, should there be extenuating circumstances it may be reduced for up to a minimum of two (2) years.”

We can see that the former Code treated an act of aggression against a law enforcement officer as a crime that could entail a maximum penalty of up to five years. In high contrast we have Section 251 of the present Code which sets a maximum penalty for incurring the same behavior that cannot exceed ninety (90) days.

It is unacceptable that, given the reality which underlies the violence with which we live from day to day in Puerto Rico, we should leave unprotected or half-way unprotected those citizens who have opted to be called by law to risk their lives in favor of the security of the collective or provide any other type of service in favor of the Puerto Rican people.

We must not forget especially those men and women who on a daily basis face the great many dangerous situations that arise in our increasingly complex social environment. They deserve the highest degree of protection. We believe that this vastly justifies the return to the government of laws prior to the repeal of the former Penal Code and that Section 251 of the present Code be amended so that once again the crime of aggression against a public officer or official entail a felony penalty similar to the penalty set forth before.

This Legislature must make every effort to implement public policy that would really guarantee the security of our citizens. To safeguard the security of those who protect it, is to safeguard the security of us all.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-Section 251 of Act No. 149 of June 18, 2004, is hereby amended to read as follows:

"Any person who uses violence or intimidation against a public official or employee to compel him/her to commit or omit an act proper to his/her office or to commit an act contrary to his/her official duties, shall incur a fourth degree felony."

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. 126 (H.B. 2501) of the 3rd Session of the 15th Legislature of Puerto Rico:

AN ACT to amend Section 251 of Act No. 149 of June 18, 2004, known as the “Penal Code of the Commonwealth of Puerto Rico,” in order to establish that the crime of the “Use of Violence or Intimidation Against Public Authorities,” carry the penalty of a fourth degree felony,

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

In San Juan, Puerto Rico, today 1st of September of 2006.

Francisco J. Domenech
Director