(H. B. 1366)

(No. 169)

(Approved August 30, 2006)

AN ACT

To amend Section 11 of Act No. 73 of February 8, 2003, known as an "Act to Regulate the Practice of Body Piercing in Puerto Rico," to substitute the term "certificate of good conduct" with the term "criminal record certificate."

STATEMENT OF MOTIVES

Act No. 73 of February 8, 2003, was created to regulate the practice of body piercing and to authorize the Secretary of the Department of Health to create a Register of Body Piercers in the Department of Health of Puerto Rico and to promulgate regulations thereto. Section 11 of said Act establishes among the requirements to apply for a license to operate a body piercing studio the presentation of a certificate of good conduct of the owner and administrator of the business engaged or to be engaged in body piercing.

Section 1 of Act No. 254 of July 27, 1974 establishes what the citizenry refers to as the "Penal Antecedents Certificate." It is a list of the convictions in the file of each person who has been sentenced in any Court of Justice of the Commonwealth of Puerto Rico.

To request a certificate of good conduct from the owner and administrator of the establishment engaged or to be engaged in the body piercing business is contrary to the provision of Section 19 of Section 19 [sic] of Article VI of the Constitution of the Commonwealth of Puerto Rico, in which it is established as the public policy of the Commonwealth to enable the moral and social rehabilitation of convicted persons. To request

said certificate would also give the impression that a person whose certificate does not show "good conduct" shall not be given the opportunity to work. To flatly reject an application because it is accompanied by a positive criminal record without evaluating each case individually would be to attempt against the public policy of the Commonwealth which seeks the rehabilitation of the individual, and would deny the person the possibility of earning his/her sustenance, reintegrating into society and of being productive. The Secretary shall evaluate the nature of the offense, if it involves moral depravity or any public security issue, and whether the applicant on probation or parole prior to making a final decision.

This Legislature deems it necessary to substitute the phrase "certificate of good conduct" with the phrase "criminal record certificate," with two fundamental purposes: first, to prevent possible discrimination against persons who intend to carry out the activity regulated by this Act, thus clarifying that the Secretary of Health shall evaluate each case individually, and second, to adjust the language of the Act with the term established in the Penal Code of Puerto Rico.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Section 11 of Act No. 73 of February 8, 2003, is hereby amended to read as follows:

"Section 11.- Application and License Fees

    (a)   The license application for the operation of a body piercing studio shall be filed on the form provided by the Department, according to the provisions of this Act;

    (b)   The application shall include the location and address of the establishment where the studio shall operate, and the owner or administrator's address with the following information:

(1)   . . .

(2)   the criminal record certificate of the owner and the administrator of the establishment;

(3)   . . .

(4)   . . .

(5)   . . .

(6)   . . .

(7)   . . ."

Section 2.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act <u>No. 169</u> (<u>H.B. 1366</u>) of the

<u>4</u>th Session of the <u>15</u>th Legislature of Puerto Rico:

AN ACT   to amend Section 11 of Act No. 73 of February 8, 2003, known as an "Act to
Regulate the Practice of Body Piercing in Puerto Rico," to substitute the term
"certificate of good conduct" with the term "criminal record certificate",

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

In San Juan, Puerto Rico, today 30th of March of 2007.

Francisco J. Domenech
Director