

(Substitute Senate to

P. S. 769, S. P 771, P. of C. 89, P C. 740,

P C. 1298 and P C. 1953), 2011, Act 243

To amend Act 266 of 2004; Law Registry of Persons Convicted of Sexual Offences and Child Abuse ", amend Section 8 of Act No. 175 of 1998, Law on DNA Data Bank of Puerto Rico.

Approved. 243 OF 14 DECEMBER 2011

To amend Sections 2, 3, 4, 5, 7, 8, 11 and 12; repeal Section 6, renumber Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 as Articles 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, respectively, of the Law 266-2004, as amended, known as the "Registry of Persons Convicted of Crimes Against Sexual Abuse and Minors "; amend Section 8 of Act No. 175 of July 24, 1998, as amended, known as the " Data Bank DNA Puerto Rico ", to weakening of Public Law No. 109 - 248, July 27, 2006, known as "Adam Walsh Child Protection and Safety Act of 2006" to establish the new classifications for sex offenders, depending on the sex offense committed, to provide for the new duties of sex offender, and government agencies concerned, and for other appropriate purposes.

STATEMENT OF REASONS

In the United States passed Public Law 109-248, the July 27, 2006, known as "Adam Walsh Child Protection and Safety Act of 2006." Public Law 109-248 is also known as' Sex Offender Registration and Notification Act "(sarcasm). This legislation is aimed at protecting minors from sexual exploitation and violent crime against them, to prevent child abuse and child pornography, to promote the safe use of the Internet, and to honor the memory of child victims of this crime.

Public Law 109-248 of 2006 establishes minimum requirements for states and territories of the United States, with respect to the registration of persons convicted of sexual offenses. In particular, the statute provides a comprehensive review of national standards for the registration and notification of sex offenders, designed to strengthen and increase the effectiveness of the registration for public safety. Moreover, its provisions shall be implemented in all jurisdictions in the United States of America, the fifty (50) states, territories, including Puerto Rico and federally recognized Indian nations. Among the salient provisions of this federal legislation is the establishment of minimum guidelines issued by the Federal Justice Department to be followed by all U.S. jurisdictions. The revised guidelines were adopted on July 2, 2008. Federal Register Vol 73, No. 128. These guidelines establish minimum standards of compliance. However, it prohibits states, territories and Indian nations to take additional measures to supplement stricter guidelines.

In Puerto Rico, Law 266-2004, as amended, known as the "Registry of Persons Convicted of Sexual Offences and Child Abuse" was approved for the purpose of creating a registry of people convicted of sexual offenses and child abuse. With the passage of this Act shall be adopted as public policy of

protecting the community against acts constituting sexual abuse and child abuse. By that register are kept informed all persons or entities requesting information on the whereabouts of individuals who have been convicted of sex crimes or child abuse. It does not have a punitive purpose, but is a means to ensure security, safety and general welfare of minors and victims of sexual offenses.

The purpose of the measure before us, is to temper the Act No. 266 of September 9, 2004, as amended, which creates the Register of Persons Convicted of Sexual Offences and Child Abuse, the provisions of federal law. In particular, this legislation establishes a comprehensive review of national standards for the registration and notification of sex offenders, designed to strengthen and increase the effectiveness of the registration for public safety. To achieve this goal, this legislation imposes, in principle, certain obligations directly to a sex offender. Among these is the duty of the sex offender to register and maintain registration information updated in all jurisdictions where they reside, work or study. In addition, this legislation adds new definitions, establishes three classifications for sex offenders based on sexual crimes, and provides for the duties of the person subject to registration and the agencies concerned to keep the information updated.

Also clarifies that will be required to register persons engaged in diversion programs, treatment or rehabilitation of the Corrections Administration. Provided, that upon satisfaction of the conditions and closed the case by the Court, the entry will be removed from the registry. In turn, contain express and unambiguous that the inclusion in the Register will be compulsory for offenses under this Act and no claims shall be pre agreed their inclusion in it.

It is also necessary to amend certain statutes, which affect the amendments to Act No. 266, supra. Among these, the law 175-1998, as amended, known as the "Bank of DNA Data Puerto Rico." We note that, by imposing a duty to the sex offender, among other things, submit his DNA profile to the registry, as a sequel it is imperative to enable the Institute of Forensic Sciences to conduct such tests, in certain crimes such as sexual assault and procuring marriage , pimping and trafficking in persons, which are not currently available to such status.

It is worthwhile also take this opportunity to reiterate that our record, as the registers established in all states of the United States does not have a punitive purpose, it is a means by which the state can ensure the safety, security and general welfare. Also, we emphasize that provide greater protection and security to children about sexual exploitation and violent crime is concerned, to promote youth safety; attack and prevent child abuse and child pornography, among other matters, is of a of great public interest that warrants the approval of the Legislative Assembly of Puerto Rico of this Act

ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Article 1. - Section 2 of Act 266-2004, as amended, to read as follows:

"Section 2. - Definitions:

The following terms have the meanings stated below:

(1) "Convicted" - means any person convicted of a crime, his attempts or conspiracies, as established in this Act also includes any person who enjoys parole, conditional probation or some form of compliance alternative of imprisonment for the offense, his attempts or conspiracies established in this Act

(2) "Crime against a minor specific" - A crime committed against a child whose characteristics and elements includes any of the following: (a) an offense that has the element of kidnapping or abduction; (b) an offense that has the element of restriction of liberty, (c) to encourage a child to participate or engage in sexual conduct, (d) the use of a child in any sexual activity, (e) induce a minor to practice prostitution or sodomy, (f) record or attempt to record the intimate parts of the body of a child, as established in Section 1801 of Title 18 United States Code, (g) possession, production or distribution of child pornography, (h) criminal sexual conduct via the Internet to facilitate or attempt to carry out such conduct involving a minor, (i) any conduct which is by nature a sexual offense against a minor.

(3) "Sex Crime" - In general, except as provided in subsections (a) and (b) includes the following:

(I) an offense that has as constituting a sexual act or sexual conduct with another person;

(II) a specific offense against a minor;

(III) a federal crime, including offenses covered under Section 1152 or 1153 of Title 18 United States Code, under Section 1591 or Chapter 109A, 110 (excluding Sections 2257, 2257A, or 2258) or 117 of Title 18 of the United States Code , or

(IV) a military offense as established by the Secretary of Defense under Section 1150 (a) (8) (C) (i) of Public Law No. 105-119 (10 USC 951 note);

(V) an attempt or conspiracy to commit any offense described in clauses (i) through (iv) of this subsection.

Provided that:

(A) A foreign conviction of a crime similar to those mentioned above shall not be considered a sex offense for purposes of this Act, unless the case of: (i) a conviction under the laws of Canada, the United Kingdom, Australia or New Zealand or (ii) convictions under the laws of any other country, if the Department of State of the United States has concluded, through its Human Rights Reports ("Country Reports on Human Rights Practices"), that the country has implemented the right to a fair trial during the year in which the conviction occurred.

(B) An offense involving consensual sexual conduct is not a sex offense for purposes of this Act, if the victim is an adult, unless the adult is under the lawful custody of the offender at the time of the offense.

(4) "Employee" - means any person who is self-employed or providing services to any entity or employer, with or without pay.

(5) "United States" means the states of the United States of America, the District of Columbia, its territories and possessions.

(6) "Student" - means an individual who is enrolled or attending an educational institution, public or private, including a secondary school, vocational or professional school, or institution of higher education.

(7) "Sex Offender" - is defined as an individual who has been convicted of a sex crime or attempt or conspiracy.

(8) "Sexual Offender Type I" - People that are convicted of these offenses or attempt or conspiracy, as incurred in conduct constituting sexual abuse;

(I) Restriction of freedom, when the victim is under eighteen (18) years, as understood in Article 168 (e) of Act 149-2004, as amended;

(II) Restriction of freedom exacerbated when the victim is under sixteen (16) years, as understood in Article 131 (e) of Act No. 115 of July 22, 1974, as amended;

(III) The offense of child abuse as established in Articles 75 and 76 of Act 177-2003, as amended, as incurred in conduct constituting sexual abuse;

(IV) aggravated spousal abuse, when committed and simultaneously incurred in conduct constituting sexual abuse, abuse of a minor, as defined in the Act 177-2003, as amended, as understood in Article 3.2 (g) of the Act No. 54 of August 15, 1989, as amended;

(V) Shipping, transportation, sale, distribution, publication, exhibition or possession of obscene material, obscene Shows, Exhibitions dishonest if the act were to take place in the presence of a person under 16 years, as established in Articles 106, 113 and 114 Act No. 115 of July 22, 1974, as amended, and Articles 155 and 156 of the Act 149-2004, as amended;

(VI) Exhibitions obscene obscene proposition, as established in Articles 147 and 148 of the Act 149-2004, as amended;

(VII) Any crime antecedent or successor referred to in subsections (i), (ii), (iii) (iv) (v) or (vi).

(9) "Sexual Offender Type II" - People that are convicted of these offenses or attempt or conspiracy when the victim is a minor:

(I) lewd or indecent acts, procuring or trafficking of persons, crimes against child protection, juvenile perversion allows any or retuviere when a child under eighteen (18) years in a house of prostitution or sodomy, included in the Articles 105, 110 (a) and (c), 111 (a) and 115 of Act No. 115 of July 22, 1974, as amended.

(ii) lewd acts, pandering, pimping and trafficking of persons, production of child pornography possession and distribution of child pornography, using a minor for child pornography, corruption of minors when retuviere allows any or a child in a brothel trade or sodomy, as defined in Articles 137 (e), 144, 153 (a), 157, 158 and 159 of Law No. 149 of June 18, 2004.

(iii) Sexual assault, including in Sections 142 (f), 142 (h), 142 (i) of Act No. 149 of June 18, 2004.

(iv) A Sex Offender Type I previously convicted of a sex offense and subsequently committed another sexual offense or attempt or conspiracy.

(v) Any offense or attempted antecedent or successor referred to in subsections (i), (ii) or (iii).

(10) "Sex Offender Type III "- People that are convicted of these crimes or attempted:

(i) Rape, seduction, sodomy, lewd acts when the victim is under sixteen (16) years, incest, kidnapping when the victim is under eighteen (18) years and shall not be your child, including child stealing in Articles 99, 101, 103, 105, 122, 137-A (a) and 160, respectively, of Law No. 115 of July 22, 1974, as amended, and marital sexual assault, as defined in section 3.5 of Act No. 54 of August 15, 1989, as amended.

(ii) Sexual assault, as covered in Sections 142 (a), 142 (b), 142 (c), 142 (d), 142 (e) or 142 (g) of Act 149-2004, as amended.

(iii) Lewd acts when the victim is under thirteen (13) years of age, abduction, aggravated kidnapping when the victim is under eighteen (18) years, as covered in Articles 134, 144 and 170 (a) of Act 149-2004, as amended.

(iv) A Type II Sex Offender previously convicted of a sex offense and subsequently committed another sex crime.

(v) Any crime antecedent or successor referred to in subsections (i), (ii) and (iii).

(11) "Minor" - any person under eighteen (18) years of age.

(12) "Record" - is the record of people convicted of sex crimes and child abuse created, established and maintained under this Act

(13) "Residence" - means the place where it is located on an individual's home or place of habitual abode.

(14) "System" - is the System of Criminal Justice Information created by Act No. 129 of June 30, 1977, as amended.

Article 2. - Section 3 of Act 266-2004, as amended, to read as follows:

"Section 3. - Creation and Maintenance of the Register of Persons Convicted of Sexual Offences and Child Abuse:

Creates and provides for the maintenance of a Register of Persons Convicted of Sexual Offences and Child Abuse in the Information System of Criminal Justice. Will be recorded in the same:

(A) The Sex Offender Type I, Type II Sex Offender and Sex Offender Type III .

(B) Persons who have been or are convicted of similar offenses, or attempts or conspiracies to those listed in Article 2 of this Act by a federal, state, foreign or military, and has been guaranteed due process of law in the country who were convicted, to move to Puerto Rico to take up residence, or because of work or study are in Puerto Rico, although its intent is not to establish domicile in the Island

(C) Persons convicted enjoying parole, conditional probation, or some alternative method of compliance with the penalty of imprisonment for any offense or attempted, as listed in Article 2 of this Act

(D) Persons who at the time of approval of this Act are incarcerated or participating in a diversion program, treatment or rehabilitation of the Corrections Administration, or after the enactment of this Act are subject to such programs, the commission of any offense listed or attempts or conspiracies in Article 2 of this Act provided, that in these cases, once the defendant meets the conditions imposed by the Court, and he ordered the dismissal of the criminal action as provided by the laws pertaining to such programs, the system will eliminate the defendant's registration in the registry established herein.

(E) registers shall be persons who at the time of approval of this Act, were required to register under the Act 28-1997, as amended.

(F) Persons who have been convicted of any offenses listed in Article 2 of this Act, which extinguished the sentence imposed and are not registered or serving a penalty for such offenses, if they are convicted for committing any felony other than a sexual offense listed in Article 2 of this Act, however, in these cases, be credited for purposes of the duration of the registration in the registry, the time elapsed since the enforcement of its judgment, or alternative method of compliance with the penalty of imprisonment, to be included in the registry established herein.

(G) Persons who have been convicted of any offense listed in Article 2 of this Act and do plead guilty to any offense or its attempt or conspiracy. In these cases it will be compulsory and not subject to pre-agreed claims, the income of the convicted person to the registry.

Article 3. - Section 4 of Act 266-2004, as amended, to read as follows:

"Section 4. - Duties to the registry:

(A) The court having jurisdiction over the act of sentencing, or when determined to bring the person to probation or suspended sentence, diversion program, treatment or rehabilitation set by the Administration of Corrections, the Attorney General to order notifies the system, sex offender information such as name, aliases, physical description, date of birth, residence address, driver's license number, photocopy of valid driver's license or any identification card issued official by a state, social security, photography, the statute describing the offense or attempted by which you are registering, the criminal history, including dates of arrests and convictions, parole status, suspended sentence or parole,

status registration, and the existence of outstanding arrest warrants and other essential information to be furnished by persons subject to the Register as provided in this Act All information collected must be filed within three (3) working days of the judgment or, in case of an alternative sentence to imprisonment, from the determination of the person subject to such benefits.

Do not receive the Order of the Court, the Attorney General shall notify the System. However, the lack of order to the Public Prosecutor by the Court or the lack of notification by the Attorney General to the system, does not relieve the offender of his obligation to register as provided in this Act

(B) The Puerto Rico Police provide also a link where information on the record signing of containing data on sexual offender's fingerprints and palm, photos and physical description of the sexual offender will be available for the System.

(C) The Institute of Forensic Sciences, pursuant to Act 175-1998, as amended, known as the "Data Bank DNA Puerto Rico," provide the reference DNA record of sex offender to the System.

(D) The Corrections Administration is obliged to notify the sex offender information to the staff member whose responsibilities is to establish and maintain a system of matching, registration and issuance of certificates related to the Registry of Persons Convicted of Sex Crimes and Abuse Children Against the Police of Puerto Rico in each region. The Corrections Administration will conduct this notification thirty (30) days prior to the person to be registered, is released.

The Corrections Administration will also have the obligation to notify that officer when a sexual offender start enjoying the benefits of probation or suspended sentence, parole or a diversion program, treatment or rehabilitation set by the Administration Correction. This notification will take place thirty (30) days prior to the person to be registered start enjoying the benefits of parole and, in other cases, within three (3) working days from the determination to bring the person to such benefits.

This officer, upon receipt of notification of the Corrections Administration, ensure that the sex offender is duly registered in the register before it is released. Also, this officer should ensure that the sexual offender is duly registered in the registry while enjoying the privileges of probation, parole, or a diversion program, treatment or rehabilitation program established by the Corrections Administration.

Provided that in cases of diversion programs, treatment or rehabilitation set by the Corrections Administration, once the defendant meets the conditions imposed by the Court and it ordered the dismissal of the criminal action as provided by relevant laws these programs, the system will eliminate the defendant's registration in the registry established herein.

In all these cases, the Corrections Administration, it shall advise the offender of their obligation to also report their information to the Police Command in the region of residence within a period of three (3) working days after being released. The Police Command, receiving the information, shall immediately provide the same to the other commands of the police or other jurisdictions, where the sexual offender is required to register and must ensure that this information is recorded in the System and the address

provided by the registrant is authentic. The Puerto Rico Police shall be responsible for establishing regulations necessary for the implementation of this Act

(E) The Corrections Administration also notify the sex offender who is required to report any changes in your name, residence address, address of employment, change in status of student or employee at the Command Police in the jurisdiction where you live, work or study within a period of three (3) working days of occurrence of the same. The Police Command, receiving the information, shall immediately provide the same to the other commands of the police or other jurisdictions, where the sexual offender is required to register and must ensure that this information is recorded in the system.

(F) The Tribunal as part of the judgment and while the person is subject to the Register, shall notify the sex offender convicted of a specific offense against a minor, as defined, the prohibition of residence five hundred (500) feet or less of any elementary, middle or higher or child care establishment duly certified or licensed by appropriate agencies. This prohibition shall remain in force while the information of the person recorded in the registry.

(G) The Administration of Correction or other agency that is subject, shall state in writing that informed and explained to the person regarding the prohibition of establishment of their residence and their obligation to notify any change of name, residential address or employment, or student status or employee pursuant to the provisions of subsections (d), (e) and (f) of this Section. This document should be read and signed by the person required to register. A copy will be retained in the Corrections Administration or other agency to which it is subject, a copy will be sent to the system, which will have it available in electronic form in your database to the Police Command corresponding to Sex Crimes Division of the Police of Puerto Rico, and another given to the convict. If the person fails to comply with the prohibition regarding the establishment of residence or the obligation to notify changes of name, residential address or employment or student status or employee shall be subject to the provisions of Article 10 of this Correction Law Administration is responsible for maintaining updated records, by entering the relevant data, such as the notification date, departure date, address and other key data to be furnished by persons subject to registration, as provided this Act

(H) The Police, the Department of Justice, Administration of Corrections, the Parole Board, Office of Pretrial Services and to the General Court of Justice System must provide the information necessary to fulfill the purposes of this Act

(I) Sex offenders from other states, territories or jurisdictions will be assessed before entering the Puerto Rico Corrections Administration through its Office of Probation. Once the Corrections Administration System referred to the information provided in subsection (g) of this Section, and between all the necessary data in the system, the information is immediately available through computer terminals, configured in the network telecommunications system for use by the Police Command of the jurisdiction where the person will reside.

The system will provide the Federal Bureau of Investigation ("Federal Bureau of Investigations") immediately, information on the name, address and mailing address, fingerprints and palm, photographs and any additional information collected and the changes of name, address, in its status as

a student or employee if any. The Commandery of Police shall notify and update through computer terminals set up a telecommunications network of the system, all relevant records in the registry with changes of name, residence address, in its status as a student or employed persons registered as provided in this Act if the registrant is transferred to the United States, the System, within the next three (3) days after receiving the information must notify the designated agency in place , if any, to manage a record similar to one created in this Act "

Article 4. - Section 5 of Act 266-2004, as amended, to read as follows:

"Section 5. - Obligations of the Person Subject to Registration

The sex offender must register and keep your information current in the Police Headquarters of the jurisdiction where you keep your home. To be the case that the sex offender works or studies outside the jurisdiction of Puerto Rico must register with the state or territory of the United States of America in which to study or work. For purposes of initial registration, sex offender also register in the jurisdiction where convicted proves, if it was different from the jurisdiction where he is resident.

The sexual offender must carry out the initial registration within a period of three (3) working days after its release or to start enjoying the benefits of probation, parole, or to begin participating in a program diversion, treatment or rehabilitation program established by the Corrections Administration.

The sexual offender, as provided in this Act as part of the inclusion in the Register, provide the following information: name (including nicknames or aliases), social security number, date of birth, telephone numbers, e-mail, address Internet; designation used as a means of identification in social networking websites; address of the residence in which you reside or have their residence, inhabited place in the last ten (10) years, if you have any professional license and the same number, name and address of any place where it is or will be employed, or worked in the past ten years, name and address of any institution where you studied, study or examine, license plate number and description of any vehicle that has or drive, including vessels or aircraft, among others, and any other information required by regulation by the system. If the sex offender does not have a home or a fixed physical address must provide the name, description or physical location where you live or usually overnight, including but not limited to, a park, a street, hostel or similar.

The sexual offender must personally notify the Commander of the Police, the jurisdiction of residence, any change in your name, vehicle information, temporary or permanent address of residence, their employment or student status, within a period three (3) working days of such change occurs, or in the case of a person from another country who has been convicted of sexual offenses or child abuse by a court of your country, federal, military or state to establish residence in Puerto Rico, or because of work or study is in Puerto Rico, although its intent is not to establish residence and is required to register, please complete the registration within the next three (3) days of arriving to Puerto Rico.

Provided, that when the sex offender intends to change his residence, employment or study outside the jurisdiction of the United States, shall notify this situation personally to the relevant Police

Headquarters, including the destination and any other information establish by regulation, at least twenty (21) days before the change occurs or travel.

However, the Puerto Rico Police shall waive this requirement through regulatory approval, in case of emergencies or other circumstances in which it is not possible to report this fact with twenty (21) days in advance.

In cases where a sex offender has notified a week, change of residence, work or school to another jurisdiction outside the United States, as provided in the paragraph above, this information should refer to the System and the Marshals United States (U.S. Marshals Service) immediately.

As a condition to enjoy the benefits of probation or parole, or to participate in a diversion program, treatment or rehabilitation program established by the Corrections Administration, meet the registration requirements established by this Act Failure to comply or requirement of registration imposed by this Act, shall be cause for revocation of these benefits.

The sexual offender shall be submitted to the Commander of Police, the jurisdiction where you reside, to update and verify the information contained in the register and take a photograph, fingerprint or palm of the hand:

- (A) Annually, if the convict is a Sex Offender Type I;
- (B) Every six (6) months if the convict is a Type II Sex Offender, and
- (C) Three (3) months if the convict is a Sex Offender Type III .

The police will verify annually the accuracy of all information provided by the Sexual Offender. The police may also make visits in comparison to prior periods under specified when for confidentiality or otherwise obtains information that the offender has changed residence, work or school without complying with the notice required by this Act

To this end, the sex offender will fill out the form will provide the Police Headquarters to that effect, according to the procedure established by regulations adopted by the System, in coordination with the Police of Puerto Rico.

Provided that in cases where it is impossible for the sex offender is present in person at the Police Headquarters in the terms provided above, being hospitalized or other cause, as soon as possible, it shall notify the Command Police jurisdiction which will analyze the request and understand meritorious personal appearance rescheduled sexual offender as soon as possible.

The sexual offender shall be maintained in the register and comply with the requirements of this Act for the following terms:

- (A) Fifteen (15) years if the convict is a Sex Offender Type I;
- (B) Twenty-five (25) years if the convict is a Type II Sex Offender, and

(C) for life, if the convict is a Sex Offender Type III .

The terms set forth herein shall run from the sexual offender is released, having served his sentence of imprisonment imposed and notify the Corrections Administration inclusion in the registry. Where the enjoyment of the benefits of probation, parole or participation in a diversion program, treatment or rehabilitation, the term inclusion in the Register shall be counted from that issued the judgment, decision or determination to participate in such programs and notifies its inclusion in the Register.

For Sex Offender Type I, the information may be removed from the Register prior to the expiry of the term of fifteen (15) years provided above, subject to maintain a record of negative criminal record for a period of ten (10) years. The Court shall state in its order or resolution if the information can be kept sealed and confidential for purposes of recidivism.

For purposes of this article, keep a record of negative criminal record means that the person must meet the following requirements:

(A) has not been convicted of any felony, or a sexual offense during the period established in the preceding paragraph;

(B) successfully complete any period of supervised release, probation, or parole, and

(C) successfully complete a treatment program and rehabilitation for sex offenders, given by those establishments licensed and certified to offer such programs by the Secretary of Corrections and Rehabilitation.

Provided, that the deletions are not automatic and must be authorized by the Court for considering the minimum term of ten (10) years mentioned above. The system will adopt the regulations needed to comply with the above provisions.

In cases of diversion programs, treatment or rehabilitation set by the Corrections Administration, once the defendant meets the conditions imposed by the Court and it orders the dismissal of the criminal action, as provided in the laws pertaining to these programs, System will eliminate the defendant's registration in the registry established herein.

Notwithstanding the foregoing provisions, in cases where the sex offender is a protected witness or an informant for the Government of Puerto Rico or the United States, the Secretary of the Department of Justice of Puerto Rico, as it deems pertinent, may protect the confidentiality of the identity and location of that individual. For this purpose, the system will establish an alternative procedure for registering and tracking sex offenders.

Article 6. - Section 7 of Act 266-2004, as amended, and renumbered as Section 6 of Act 266-2004, as amended, to read as follows:

"Article 6. - Notification to Law Enforcement Agencies and the Community

The information held by the System on a registered person, as provided in this Act shall be provided to law enforcement agencies and state and federal government agencies, in carrying out its functions, including the Department of Housing and Department Family of Puerto Rico. Also be provided to any person, company or organization that requests it in writing and the persons or private institutions for which this information is of interest in the nature of the activities carried out against the threat and danger that may they pose to people who commit some of the offenses enumerated in this Act This includes, but is understood as a limitation, the victim and their families, schools, institutions, and child care facilities, recreational facilities , institutions for abused women and children, each jurisdiction where the sex offender has his residence, work or study, and where a change of residence, work or school occurs; and agencies responsible for conducting background checks necessary to obtain employment, under Section 3 of the National Child Protection Act of 1993 (42 USC 5119th).

The System adopted the necessary regulations to make information available to the public. In these cases, the information recorded in the system will be provided by the Police of Puerto Rico. The name of the victim of crime may not be revealed.

The information held in the Registry will be sent electronically by the system to "National Sex Offender Registry (NSOR)" from the Federal Bureau of Investigation "Federal Bureau of Investigation" or the corresponding data bank. "

Article 7. - Section 8 of Act 266-2004, as amended, and renumbered as Section 7 of Act 266-2004, as amended, to read as follows:

"Article 7 - Publication of the registry over the Internet and Print Media:

The Register will be available on the Internet portal and their records remain available to the public, and all jurisdictions in the United States. For this, the system will maintain an Internet portal, through which the person concerned may obtain relevant information from each sex offender using, without it being construed as a limitation: names, aliases, current photo, physical description, offense which is included in the Register, zip code, town, or any other relevant information is provided as search item. The system design included in the website, all field search capabilities, required to be closely associated with the "Dru Sjodin National Sex Offender Public Website."

It is further provided that the system must take the steps necessary to ensure that the Register is published in a newspaper of general circulation in Puerto Rico, at least once a year.

The following information will not be disclosed to the public:

- i. The identity of the victim;
- ii. The sexual offender's social security;
- iii. Any reference to sex offender arrests not resulting in conviction;

- iv. The passport number of sex offenders or their immigration documents;
- v. Their website ("website"), the sex offender email and username ("username") that he used as identification in social networks;
- vi. Any other information exempt from publication, as provided by regulation the system.

For purposes of the information in the website, the system identified in a separate class, to persons convicted for the crime of child abuse set out in Articles 75 and 76 of Act 177-2003, as amended, when incurred in conduct constituting sexual abuse.

The Internet portal will include, to the extent possible, links to educational resources on the protection of citizens against sex offenders, as well as information on how to stay safe in their community. In addition, the website will include instructions for requesting the correction of erroneous information.

The website warns that the information provided here may not be used illegally to hurt, harass or commit a crime against any individual named in the Register that resides, works or studies at the registered address. The report warning that such action may result in civil or criminal penalties. Also, be warned that if necessary the use of this information for any additional legal action will be necessary to validate it with the system prior to use. "

Article 8. - Is renumbered Articles 9 and 10 of Act 266-2004, as amended, and Sections 8 and 9, respectively, of the Act 266-2004.

Article 9. - Section 11 of Act 266-2004, as amended, and renumbered as Section 10 of Act 266-2004, to read as follows:

"Article 10. - Penalty:

Any person who violates the provisions of this Act shall be guilty of a felony and upon conviction shall be punished by fine not to exceed six thousand (6,000) dollars and imprisonment for two (2) years, or both penalties at the discretion the Court.

Any fine imposed under this Act shall revert to the Criminal Justice System, established under Act No. 129 of June 30, 1977, as amended, to ensure the effective achievement of operation. "

Article 10. - Section 12 of Act 266-2004, as amended, and renumbered as Section 11 of Act 266-2004, as amended, to read as follows:

"Article 11. - Powers of Regulation:

The system is expressly empowered to establish the necessary regulations for the implementation of this Act System shall also establish procedures for notifying sex offenders currently registered with the

requirements and duties imposed by this Act Provided that the system should be established the necessary regulations for registering sex offenders who will be enrolled in the registry for the commission of a felony, if in the past been convicted of a sexual offense, as established in Article 3, paragraph (f) of this Law, in particular, will establish the terms for those sex offenders registered in the Register. Also be approved in coordination with the Institute of Forensic Sciences, a protocol to request a DNA sample to those convicted before the enactment of this Act were not required to provide it. "

Article 11. - Is renumbered Articles 13, 14, 15, 16, 17 of Act 266-2004, as amended, as Articles 12, 13, 14, 15 and 16, respectively, of the Law 266-2004, as amended.

Article 12. - Section 8 of Act 175-1998, as amended, to read as follows:

"Article 8. Persons subject to sampling.

(A) ...

...

(D) From the force of the New Penal Code of the Commonwealth of Puerto Rico, 2004, any person convicted of any of the following offenses or attempts or conspiracies, as defined in the Code, shall be subject to sampling :

(1) ...

...

(12) Restriction of freedom exacerbated when the victim is under eighteen (18) years (unless it was committed by a parent or guardian).

(13) procuring, pimping and trafficking of persons.

(14) Marital Sexual Assault, as defined in section 3.5 of Act No. 54 of August 15, 1989, as amended.

(15) when committed aggravated abuse and simultaneously commits an abuse of a minor, as defined in the Act 177-2003, as understood in Article 3.2 (g) of Act No. 54 of August 15, 1989, as amended.

(E) ... "

Article 13. - Transitional Provisions

It authorizes the Department of Corrections and Rehabilitation to establish treatment and rehabilitation programs for sex offenders. In turn, is empowered to enact the necessary regulations for the certification of such programs.

Article 14. - Severability

If any provision or portion of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Act Its effect is limited to the clause or part declared invalid or unconstitutional.

Article 15. - Effectiveness

This Act shall take effect immediately after its approval. Subsections (f) and (g) of Section 4 have prospective effect. Other provisions may have retrospective effect.