

## *Parole Board*

Act No. 118 of July 22, 1974, as amended

(Contains amendments incorporated by:

Act No. 104 of June 4, 1980

Act No. 2 of February 26, 1987

Act No. 27 of June 19, 1987

Act No. 35 of June 19, 1987

Act No. 92 of November 17, 1992

Act No. 15 of June 10, 1993

Act No. 32 of July 27, 1993

Act No. 33 of July 27, 1993

Act No. 17 of April 27, 1994

Act No. 90 of July 27, 1995

Act No. 28 of July 1, 1997

Act No. 183 of July 29, 1998

Act No. 114 of July 6, 200

Act No. 195 of August 25, 2000

Act No. 151 of October 31, 2001

Act No. 266 of September 9, 2004

Act No. 316 of September 15, 2004

Act No. 23 of July 11, 2005)

To restructure the parole system, abolish the Parole Board, created by Act No. 59 of June 19, 1965, as amended, and to repeal said act, and to create a Parole Board, to establish its organization and powers, to provide penalties and to transfer the personnel, records, obligations, property and funds belonging to the former.

*Be it enacted by the Legislature of Puerto Rico:*

### **Section 1. — Creation.** (4 L.P.R.A § 1501)

The Parole Board is hereby created, attached to the Department of Corrections and Rehabilitation, composed of a Chairman, who shall direct the Board in its quasi-judicial duties, and four (4) associate members appointed by the Governor with the advice and consent of the Senate. The Board members shall select a Vice-president from among themselves by majority vote, who shall hold office for the term of his/her appointment and shall substitute for the Chairman in all his/her duties during his/her absence.

The persons selected to compose the Board shall be of age, residents of the Commonwealth of Puerto Rico, of moral integrity and having recognized knowledge and interest in problems

of delinquency and their treatment. The Chairman and at least one (1) of the four (4) members shall be attorneys admitted to the Bar by the Supreme Court of Puerto Rico and shall have practiced the profession for at least five (5) years at the time of their appointment. This is an indispensable requirement due to the quasi-judicial tasks performed by the Board, which makes necessary that some of its members should have full knowledge of judicial processes and compliance with due process of law.

Associate Members of the Board that are currently in office and whose positions are not abolished by this Act, shall remain in office for the remainder of their terms. Subsequent appointment shall be for a term of six (6) years, except for the Chairman, who shall be appointed for eight (8) years. The appointment to fill a vacancy that takes place before to the term of a Board member expires, shall be issued for the remainder of the term. The five (5) members of the Board shall devote all their working time to the official functions of their office.

The agreements of the Board shall be adopted by a majority of its members. The Board shall operate in plenary session, or divided into two (2) panels of three (3) members each at the discretion of the Chairman, in which the Chairman shall be the third member. The panels may only be constituted by the total number of the members and its agreements shall be adopted unanimously; if an agreement is not unanimous, it shall be considered by the Board in plenary session. Said panels may function and adjudicate matters independently from one another. The Chairman, at his/her own discretion, or by petition of any of the members that compose a Panel, may remove any matter from a Panel to the full Board. The Board shall adopt regulations for its operations. At the time of constituting the full Board to function as a Panel, at least one of the two (2) attorneys who are members of the Board shall be in attendance.

The Chairman of the Board shall earn a salary of seventy-five thousand dollars (\$75,000) a year, and the Vice-chairman shall earn a salary of sixty-five thousand dollars (\$65,000). The members of the Board shall earn an annual salary of sixty thousand dollars (\$60,000) a year.

The Chairperson of the Board shall appoint [an] Executive Director who shall be in charge of the administration and operation affairs of the Board, contracting for the same or otherwise providing the board all estimated services it deems necessary or convenient for its operation.

The personnel needed to perform the functions of the Board shall be appointed by the Executive Director, unless otherwise provided in this Act. The personnel provided to the office of each member of the Board shall be appointed by the Executive Director. All Board personnel, including its members, shall be included in the category of exempted services pursuant to the organic statutes that govern the central personnel administration system of the Government of the Commonwealth of Puerto Rico.

## **Section 2. — Removal of Board members.** (4 L.P.R.A § 1502)

The Governor may remove any member of the Board for incapacity, inefficiency, negligence, or improper conduct in the discharge of his duties, upon the preferment and notice of charges, in writing giving the member an opportunity to defend himself, personally or through attorney, before the Secretary of Justice, or any officer designated by the latter. The charges shall be heard within thirty (30) days after notice to respondent and the evidence

and recommendations of the Secretary of Justice in connection with the charges shall be submitted to the Governor for final action.

**Section 3. — Authority, Powers and Duties of the Board.** (4 L.P.R.A § 1503)

The Parole Board shall have the following authority, powers and duties:

(a) It may set free on parole any person confined in any of the penal institutions of Puerto Rico who has been or is convicted for crimes committed prior to the effective date of the law which establishes the Fixed Sentence System in Puerto Rico, or who has been or is convicted for crimes under the law which establishes the Fixed Sentence System in Puerto Rico, when he/she has paid the fine provided in Section 49-C of Act No. 115 of July 22, 1974, and served half of the fixed sentence imposed, except when the person has been convicted under said fixed sentence system of murder in the first degree, in which case the Board shall assume jurisdiction when the person has served twenty-five (25) calendar years, or when the person has served ten (10) calendar years if the person convicted for said crime was a minor adjudged as an adult. However, in cases of murder in the first degree committed under the modality provided in subsection (b) of Section 83 of the repealed Act No. 115 of July 22, 1974, the Board may not grant parole.

It may likewise grant parole to any person confined in any of the penal institutions of Puerto Rico who has been convicted pursuant to the classification indicating the seriousness of the crime and the conditions for granting the same established in the Penal Code of the Commonwealth of Puerto Rico as follows:

- (1) If the person has been convicted of a felony in the first degree or habitual recidivism has been determined, he/she may be considered for parole after serving twenty-five (25) calendar years of his/her sentence, or ten (10) calendar years, if it is a minor prosecuted and sentenced as an adult.
- (2) If the person has been convicted of a felony in the second degree, he/she may be considered for parole after serving eighty percent (80%) of the term of imprisonment imposed.
- (3) If the person has been convicted of a felony in the third degree, he/she may be considered for parole after serving sixty percent (60%) of the term of imprisonment imposed.
- (4) If the person has been convicted of a felony in the fourth degree, he/she may be considered for parole after serving fifty percent (50%) of the term of imprisonment imposed.

In any case in which the Board orders that the person confined be set free on parole, it may impose the conditions it may deem advisable and set conditions that may be altered from time to time, as each case may merit. The Board shall impose and set down in writing, as part of the conditions for granting parole, the commitment of the person paroled to not incur criminal conduct and to not associate with persons known to participate in illegal activities while he/she is enjoying the benefits granted by this Act.

As a condition for granting parole, the person shall consent to being subjected to a regular program for detecting the presence of controlled substances through trustworthy tests that will allow the person to receive orientation, treatment and rehabilitation and shall furthermore have his/her name, address and other data registered in the Register for Persons

Convicted of Violent Sexual Crimes and Abuse of Minors created by law in the Criminal Justice Information System, when convicted for any of the crimes therein listed.

Moreover, if during a preliminary hearing a court determines that there is probable cause to believe that a felony has been committed, the parolee, as a condition for his/her parole, shall accept that there is no need for holding an initial summary hearing as provided in § 1505 of this title and to being confined until the Board issues its final decision. The determination of probable cause in the commission of a felony constitutes sufficient cause to have the parolee confined until the Board issues its final decision. Parole shall be decreed for the best interests of society and when the present circumstances allow the Board to believe with reasonable certainty that such a measure will help to rehabilitate the delinquent. In order to determine whether to grant parole or not, the Board shall have before it all the possible information concerning the social, medical, occupational, and criminal history of each inmate, including the attitude of the community towards having the subject freed on parole as well as an evaluation that must be submitted by the Corrections Administration.

(b) In the exercise of its discretion and taking into account the Correctional Administration's evaluation, it shall have the power to revoke the parole granted to any parolee, who, because of his conduct, shows that he is not yet prepared to fully enjoy the privileges and treatment such parole entails.

The Correctional Administration upon consulting with the Institute of Forensic Sciences shall adopt the needed regulations and shall establish the testing procedures to be followed to detect the presence of controlled substances for all parolees. Such person's refusal to submit to the testing program or to the rehabilitation treatment designed by the Correctional Administration shall provide grounds for the Board to revoke parole and direct the confinement of the person pursuant to the provisions of this Act.

(c) It may order the confinement of any parolee in any medical institution to receive treatment, whenever it has the reasonable certainty that his presence in the community is incompatible with the safety or welfare of his own person or of the community. The time spent by the person in the medical institution shall be credited to his sentence, as if he were enjoying parole in the community. The cases of persons confined in a medical institution by virtue of this power shall be periodically revised by the Board in a period not exceeding six (6) months in order to determine, in common agreement with the authorities of the medical institution where they were confined, the convenience of their return to the community.

(d) The Board, in its initiative or at the request of the Governor, shall advise the latter in the granting of any kind of executive clemency. In the cases in which the Governor grants executive clemency subject to conditions, the latter may delegate on the Correctional Administration the supervision of the persons to whom conditional executive clemency has been granted. These persons shall remain under the legal custody of the Governor, who may, on recommendation, of the Board or on his own initiative, cancel the order granting conditional executive clemency and order that the person in question be recommitted to serve the rest of the unexpired sentence in the institution designated by the Correctional Administration. Nothing provided herein shall impair the Governor's power to exercise the executive clemency granted him under the Commonwealth Constitution and the laws of Puerto Rico.

(e) The Board is authorized to restore to the persons under parole such rights as in its judgment are necessary to achieve his rehabilitation, excluding the right to vote and fill

elective offices. The right to fill public offices shall be subject to the provisions of Act No. 70 of June 20, 1963 [3 L.P.R.A. §§ 556a-556e].

(f) It may designate examiners to receive evidence on any case or matter pending determination by the Board itself.

(g) It shall have power to adopt, modify and repeal the regulations necessary to implement this Act. The regulations, once approved by the Governor and upon compliance with the provisions of the "1958 Regulations Act" [*Note: Actual Act No. 170 of August 12, 1988, as amended known as "Uniform Administrative Procedure Act"*(3 L.P.R.A. §§ 2101 et seq.)] shall have the force of law. Any person who violates any of the provisions of this Act or of the regulations approved pursuant thereto, shall be guilty of a misdemeanor.

(h) It shall render an annual report on its activities to the Governor, the Legislative Assembly and the Correctional Administration.

(i) It may receive donations from public and/or private institutions so as to generate its own funds to carry out activities to help expedite the rehabilitation of inmates on parole through educational and guidance campaigns for them, their families and other members of the community.

(j) It may coordinate with other government agencies, programs or institutions subsidized with Commonwealth funds and/or by any other financing, that offer employment, training or educational services, to refer to them those clients suitable for receiving said privilege so that they may benefit from the services they provide in an effort to encourage their rehabilitation.

**Section 3-A. — Definition of the term "crime victim".** (4 L.P.R.A § 1503a)

For the purposes of this Act, the term "crime victim" means:

(a) Any natural person against whom any crime typified in the laws of the Commonwealth of Puerto Rico or the United States is committed or attempted to be committed, or

(b) the legal tutor or guardian, surviving spouse or relative up to the third degree of consanguinity of such a person, when the former is deceased, whether a minor, or physically or mentally incompetent to appear to testify.

**Section 3-B. — Rights of crime victims.** (4 L.P.R.A § 1503b)

In procedures pertaining to the consideration of granting or modifying parole privileges, the victim of the crime for which the parolee or inmate was convicted, shall be guaranteed the following rights:

(a) To be treated with dignity, compassion and respect by all Board members and employees of the entity. To appear and to be heard orally or in writing, at his/her discretion, to present their opinion before the members of the Board or the corresponding Panel of the Board, on:

(1) The rehabilitation process and the determination to be made in due time with regard to the benefit of the privilege, and/or

(2) the financial, emotional or physical impact caused by the commission of the crime on the victim and his/her family.

(b) To be present at the hearing as an observer.

(c) Through a request to such effects, to testify at the hearing in absence of the parolee or inmate.

(d) To have access to all the information contained in any file or other documentation regarding the parolee or inmate, as well as to any file related to his/her physical or mental health when the request for information is directly related to the administration of justice in criminal cases, when pertinent, and pursuant to applicable laws and regulations, except for such information that is given as confidential by unrelated third parties and which should reveal their identity. Having access includes providing the victim with certified copies of all the documents requested, pursuant to the rules set forth by the agency regarding the charging of fees for reproducing them. The Board shall be responsible for maintaining confidential the identity of third parties, who give it information to reach a determination. In addition, the victim shall use confidential information solely and exclusively for purposes of issuing an informed opinion on the determination of the consideration of parole privileges within the parameters of the applicable laws, jurisprudence and regulations.

(e) To be assisted by an attorney or any expert who can furnish an understanding of the procedures or the information to which he/she is entitled.

(f) To require that the confidentiality of information on his/her residential and business addresses, as well as of telephone numbers is maintained when the specific circumstances of the case and the personal security of the victim and his/her relatives warrant it, as well as any document, paper, and photograph containing such information and which is under the custody of the Board and its employees, with the exception of those cases provided in Act No. 22 of April 22, 1988 [25 L.P.R.A. §§ 973 et seq.].

(g) To be notified of the results of the hearing when the person responsible for committing the crime is about to be set free on parole prior to his release or transfer into the community at large.

(h) To request [an] administrative review before the Board in full attendance on any finding, order or resolution issued by the corresponding Panel, as provided through regulations.

(i) To request a judicial review before the Circuit Court of Appeals, pursuant to Act No. 170 of August 12, 1988, [3 L.P.R.A. §§ 2101 et seq.], on any determination, order or resolution issued by the Board.

**Section 3-C. — Requests for privilege of parole.** (4 L.P.R.A § 1503c)

An inmate in a penal institution in Puerto Rico or in any Diversion Program who meets the requirements established by the Board through regulations, or in this Act, who shows a high degree of rehabilitation and does not represent a risk to society may formally request the privilege of freedom under parole within the jurisdiction of the Board through the mechanisms provided for the same as well as through regulations. The request of the inmate shall entail his/her the consent for the Board to be able to review and obtain copies of all the files on said person that are held by the Corrections Administration, in order for said person to be considered for the granting of the privileges considered in this Act.

Upon receipt of the request, the Board shall refer the evaluation thereof to one of the Panels for the corresponding processing and adjudication.

**Section 3-D. — Eligibility to parole programs.** (4 L.P.R.A § 1503d)

The Board shall be empowered to grant the privilege of parole to inmates in a penal institution in Puerto Rico, taking into consideration the following criteria:

- (1) The nature and circumstances of the crime or crimes for which the inmate is in prison.
  - (2) The number of times the inmate has been convicted and sentenced.
  - (3) A list of execution of the sentence or sentences served by the inmate.
  - (4) The complete penal and social records, and the medical and mental health professional reports of the inmate.
  - (5) The record of institutional adjustment and the social and psychological record of the inmate, prepared by the Corrections Administration and the medical and psychiatric record prepared by the Correctional Health Services of the Department of Health.
  - (6) The age of the inmate.
  - (7) The treatment or treatments for health conditions received by the inmate.
  - (8) The opinion of the victim.
  - (9) The plans for studies, vocational training or for work and study of the inmates.
  - (10) Place where the inmate plans to reside if parole is granted and the attitude of said community.
  - (11) Any other worthy consideration that the Board may have provided through regulations.
- The Board shall have discretion to consider the abovementioned criteria as it deems convenient and shall issue a written resolution with its findings of fact and conclusions of law.

**Section 3-E. — Notice of hearing to the crime victim.** (4 L.P.R.A § 1503e)

The Board shall be responsible for notifying the victim in writing of the hearing for the modification, reconsideration, follow-up and investigation of the parole privilege hearings, not less than fifteen (15) working days in advance. In absence of a reply by the victim, if he/she chooses not to appear at the hearing, or if it is proved that the Board is unable to locate the victim, the procedures shall continue without his/her participation.

Said notification shall be sent to the last known mailing address of the victim and shall include:

- (1) Date, time and place where the hearing shall be held;
- (2) brief explanation of the reasons for the hearing, including a mention of the crime or crimes for which the inmate was convicted;
- (3) a list of the applicable provisions of law or regulations for the participation of the victim in the procedure, and
- (4) the address and telephone number of the office or official that the victim may contact to receive more information regarding his/her participation in the hearing.

The Board shall exert every effort within its reach to locate and notify the crime victim, keeping evidence thereof in the case file.

If necessary, and after exhausting every available recourse, the Board may publish a notice in a newspaper of general circulation. In the event that the victim waives the right to appear at the modification, reconsideration, follow-up and investigation of the parole privilege hearings, he/she must state it in writing on the document provided by the Board. A copy of

said waiver shall be remitted to the corrections system, and eventually to the Parole Board, which shall, in turn, keep a file of the waivers signed by the victims.

In the event of an express waiver, the wishes of the victim shall be respected and the notice provided by law shall not proceed.

Failure to comply with the provisions of Sections 3-A to 3-F of this Act shall constitute an impediment for the Board to exercise its jurisdiction in the specific case. The provisions of this section shall apply to convicts for any crime, even if it is not required by the note under Act No. 91 of June 13, 1988, as amended [25 L.P.R.A. § 972h].

**Section 3-F. — Hearing-related procedures.** (4 L.P.R.A § 1503f)

The modification, reconsideration, follow-up and investigation or repeal of parole hearings shall be taped and of public record, but the Board may limit the number of deponents for security reasons. Nevertheless, said hearings may be kept closed to the public in order to receive relevant oral information or testimony from the parolee or from the victim when they so request. The Board may provide that the hearing on the modification, reconsideration, follow-up and investigation or revoking of parole, shall be private for the protection of an ongoing criminal investigation when the Secretary of Justice so requests it by a writ to such effect.

All victims of a crime shall be notified by certified mail with return receipt requested or served personally of the Board's decision, if the Board chooses to grant the parole privilege, if so requested at the hearing in which their opinion regarding the consideration of parole privileges was heard. The victim shall also be notified of the date on which the convict shall be reinstated to the free society.

**Section 3-G. — Register of victims.** (4 L.P.R.A § 1503g)

It shall be the obligation of the Department of Justice to keep a confidential registry of the persons who have been victims of crime, including their postal and residential address. This registry shall consist of a separate file for each case that shall be attached to the convict's file. Said registry containing information on the victim shall be kept sealed for the exclusive use of the officials charged with notifying the former of his/her participation in the various criminal justice procedures. It shall be the responsibility of the authorized officials to reseal said file immediately after being used for the purpose of notifying the victim. The convict, be it directly or through his/her legal representative, shall have no access for any reason whatsoever to information regarding the victim. Under no circumstances shall the Department of Justice keep a directory containing the name, physical, postal or e-mail address and telephone number, or any other information of a personal nature of the victim and his/her relatives. Any person who discloses, without due authorization, any confidential information contained in said Registry shall incur a felony in the fourth degree.

In those cases in which the victim waives his/her right to being notified, he/she may likewise petition to have his/her name eliminated from the Registry.

**Section 4. — Jurisdiction as to parole cases.** (4 L.P.R.A § 1504)

The eligibility of cases to be considered by the Board concerning the parole of any person confined in any of the penal institutions of Puerto Rico who has been or is to be convicted of crimes committed prior to the effective date of the law which established the Fixed Sentence System in Puerto Rico, shall be determined pursuant to the provisions of the law which establishes the undetermined sentence in Puerto Rico. In the cases of fixed sentences for misdemeanors, the Board, at its discretion, shall acquire jurisdiction when the inmate has served a reasonable portion of his/her present term of imprisonment.

In the case of persons convicted pursuant to the Penal Code of the Commonwealth of Puerto Rico now in effect, the eligibility of the cases for the consideration of the Board shall be determined according to the classification indicating the seriousness of the crime and the conditions for granting the same established in the aforementioned legal body.

**Section 5. — Arrest of parolee and revocation of parole.** (4 L.P.R.A § 1505)

The Board, or any of its members, are hereby authorized, upon a preliminary investigation by the Correctional Administration, which reveals a violation of any condition of parole, to order the arrest and imprisonment of any parolee in the institution designated by the Correctional Administrator. The order shall be enforced by any official of the Board, by any official or employee of the Correctional Administration or by any police officer or agent, as if it were a judicial order. The order shall notify the parolee of the alleged violation of parole, his rights and the holding of an initial summary hearing to determine if there is probable cause to believe that the alleged violation has been committed. The person shall remain imprisoned in the institution while action is taken on any accusation of a violation of any condition for parole as authorized below, unless the Board orders his release.

An initial summary hearing shall be held before an examining officer appointed by the Board, within the closest term possible, which under normal circumstances should not exceed seventy-two (72) hours from the moment of the arrest and imprisonment of the parolee, to determine if there is probable cause for the parolee to continue imprisoned until the Board issues a final decision. The parolee shall have the opportunity to be heard and present evidence in his favor. He may, in turn, confront the official who prepared the preliminary report and adverse witnesses available during the preliminary investigation. The examining officer shall decide, depending on the particular circumstances of each case, on the need to maintain the anonymity of the persons interviewed by the official who prepared the preliminary report for their personal security.

The initial summary hearing shall be of an informal nature and the Rules of Evidence will only be applied with flexibility so that the prompt and just determination of probable cause will not be vitiated or obstructed. The Rules of Criminal Procedure shall govern in the measure that they are not incompatible with the summary and informal nature of the hearing. The examining officer shall write a succinct statement of the procedures and his decision. The parolee shall be assisted by an attorney.

When dealing with a parolee accused of committing a felony, who is enjoying parole as provided in Section 3 of this Act, it shall not be necessary to hold an initial summary hearing

when a court has determined probable cause for the alleged crime, and at that moment the parole may be temporarily revoked until the Board issues its final decision.

The Board shall hold a final hearing to determine if the revocation of parole is in order within sixty (60) days from the arrest of the parolee. This term may be extended for just cause or at the parolee's request. Prior to holding the hearing, the Board must conduct an investigation and request an evaluation report from the Correctional Administration on the alleged violation of the parole conditions.

The parolee has the right to receive prior written notification, at least ten (10) days in advance, of the alleged violation to the parole conditions to prepare adequately, and to be represented by an attorney. He will confront the oral evidence against him, subject to the protection of those persons interviewed to whom anonymity was guaranteed for reasons of security, and may introduce evidence in his favor. In case the parolee has no attorney, the Board shall obtain one for him.

The decision of the Board, formulated on the basis of preponderance of evidence, shall be in writing and shall include the findings of fact, the evidence upon which the decision was based and the reasons that justify the revocation.

The Board may consolidate both hearings if the initial hearing is suspended upon a request by the parolee or due to reasons attributable to him, by request of his attorney or when the arrest and imprisonment of the parolee is not requested or carried out. In these last circumstances, the final definite revocation hearing shall be scheduled with at least thirty (30) days prior notice.

If the Board does not hold the final hearing within the term fixed by this section, the parolee shall be immediately released upon an order issued to that effect by the Chairman of the Board or by the person acting in his name. The alleged violation of parole shall be deemed not to have been committed if, after ninety (90) days from the release of the parolee, the Board does not hold the final hearing and revokes the parole.

If it appears that any person whose return to the penal institution has been ordered by the Board has violated the provisions of his parole, the period between the issuing of said order and the date of his arrest shall not be counted as part of the term to which he was sentenced.

The Board shall promulgate the rules and regulations it deems convenient for the best compliance of the provisions of this section.

**Section 6. — Oaths, summons of witnesses and production of evidence.** (4 L.P.R.A § 1506)

The Board members and the Examiners designated by the Board are empowered:

- (a) To issue summons for the presence of witnesses and the production of books, registers, documents and objects pertinent to investigations carried out in the performance of their official duties.
- (b) To take oaths and receive testimony, data or information or any other evidence pertinent to any case or matter pending determination by the Board itself.

If a summons issued by any member of the Board or the examiners designated thereby is not duly obeyed, the board may appear before any part of the Court of First Instance of Puerto Rico to request the Court to order compliance of the summons. The Court of First Instance shall be authorized to issue orders making compulsory the appearance of witnesses

or the production of books, papers, registers, documents or other objects that have been required from the witness.

It may also punish the disobedience of any order thus issued, for contempt.

Any person may be prosecuted and sentenced for perjury in giving testimony before any member of the Board, or before the Examiners designated thereby.

(c) Hold hearings for the investigation, concession or revoking of parole.

(d) Take or have depositions taken.

(e) Hold and preside over preliminary conferences to clarify and simplify matters in controversy.

(f) Attend to procedural pleas or similar matters.

(g) It shall be the duty of the Examining Officials once the hearing is held, to draft a report with their recommendations. The report shall contain a summary of all evidence received, a statement of their findings of fact and conclusions of law, pursuant to the evidence received, the facts, and applicable law. Said report shall be submitted to the Board within a term that shall not exceed fifteen (15) days after the hearing is held, except under exceptional circumstances.

**Section 7. — Confidential information.** (4 L.P.R.A § 1507)

All information obtained by the Board or by any of its officials or employees in the discharge of their official duties, shall be confidential in nature and shall in no way be disclosed, revealing the name of the inmate in any manner, except for purposes directly related to the administration of justice in criminal cases, or when, once it is proven by the Board that there is a legitimate interest in the information requested, there is the voluntary written consent of the inmate or person on parole affected by the disclosure, or that of the person who has the legal custody of the inmate or the person on parole due to his/her incapacity to give said consent.

Any person who discloses confidential information contained in the record of the offender or uses said information for a purpose other than that for what it was requested, shall incur a misdemeanor.

**Section 8. — Official seal.** (4 L.P.R.A § 1508)

The Board shall adopt an official seal of which judicial cognizance shall be taken.

**Section 9. — Duties of officers and employees of Correctional Administration toward the Board.** (4 L.P.R.A § 1509)

It shall be the duty of the Correctional Administrator to permit the Parole Board, or any of its members or representatives to have access at all times to any inmate over which the Board has jurisdiction and provide him with facilities to communicate with and observe said inmate. The Correctional Administrator shall also give the Board any information the latter deems to be necessary for a better compliance with the provisions herein.

**Section 10. — [Transfers — Property, records, etc. of former Board]** (4 L.P.R.A § 1510)

All property or any interest therein; records, files and documents; funds already appropriated or to be available in the future, including superavits; shares, assets and credits of any kind; obligations and contracts of any type; rights and privileges of any nature; licenses, permits and authorizations and any other belongings of the Parole Board created by Act No. 59 of June 19, 1965 are hereby transferred to the Parole Board herein created.

**Section 11. — [Transfers — Secretary to determine transfers]** (4 L.P.R.A § 1511)

The Correctional Administrator shall make the following determinations:

- (a) Shall determine which of the present positions of the Board that should be retained therein to perform the functions assigned to it by this Act.
- (b) To determine what part of the personnel of the Board should be transferred to the Correctional Administration to perform the work assigned to them in said agency, pursuant to their academic background or the former functions performed on the Board.
- (c) To determine the facilities, property, records or other material that shall be transferred from the Board to the Correctional Administration in relation to the phases of the programs retained by said Administration by virtue of the approval of this Act.
- (d) To make any other determination to ensure the normal development of the parole programs as restructured in this Act.

**Section 12. — [Transfers — Rights of transferred personnel]** (4 L.P.R.A § 1512)

Personnel transferred by the Secretary of the Department of Corrections and Rehabilitation, according to the authority that is granted by this Act, shall keep all the vested rights on the date on which the transfer decreed by this Act takes effect, as well as the rights, privileges, obligations and status regarding to any existing pension, retirement or savings and loan fund system or systems to which they may be affiliated.

**Section 13. — [Transfers — Regulations, continuation in force]** (4 L.P.R.A § 1513)

All the regulations that govern the operation of the functions and programs of the Board, in force at the time of the effectiveness of the transfer and which are compatible with this Act and with the organic act of the Corrections Administration, shall continue in force until substituted, amended or repealed by the Board or by the Corrections Administration, as the case may be, pursuant to the restructuring of functions established in this Act and the powers of the Corrections Administration according to its organic statute and the other laws applicable thereto.

**Section 14. — [Proceedings under former Board]** (4 L.P.R.A § 1514)

All the proceedings in which the Board abolished by this Act may be taking part shall be assumed and continued until their final solution by the Board created herein.

**Section 15. — [Members of present Board]** (4 L.P.R.A § 1515)

All the positions of the members of the current Parole Board created by Act No. 114 of July 6, 2000, as amended, whose appointments were made after the approval of said Act are hereby abolished. Notwithstanding the above, a transition period of 90 days is hereby established, counting from the date this act takes effect to allow the parole petitions assigned for evaluation to the members of the Board whose positions are abolished, may be duly reassigned and to expedite the restructuring of the panels that had been working pursuant to the provisions of Act No. 114, mentioned above. Provided, That in the case of the appointment of the Executive Director of the Parole Board, said office is hereby abolished, for which a transition period of sixty (60) days counting from the effective date of this act, is hereby established.

**Section 16. — [Injunction]** (4 L.P.R.A § 1516)

No injunction shall be issued to enjoin the application of this Act or of any of its provisions.

**Section 16-A. — Retroactive application.**

The provisions of this Act shall be applicable to all the cases before the consideration of the Board or of the General Court of Justice, or to those that have not been yet submitted for their consideration above, regardless of the date of the imposition of sentence or of the commission of the acts that constitute a crime.

**Section 17. — [Separability]** (4 L.P.R.A § 1501 note)

If any clause, paragraph, article, section or part of this Act were found unconstitutional by a competent Court, the finding shall not prejudice nor invalidate the remaining provisions thereof. The effect of said ruling shall be limited to the clause, paragraph, article, section or part thereof which has been found unconstitutional.

**Section 18. — Repeal.** (4 L.P.R.A § 1501 note)

Act No. 59 of June 19, 1965, as amended, is hereby repealed.

**Section 19. — Effectiveness.** — This Act shall take effect July 1, 1974.

**Note.** This compilation was prepared by the Puerto Rico OMB staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text. Compiled by the Office of Management and Budget Library.