

(S. B. 1149)

AN ACT

To add subsection (jj) to Section 2 and a new Section 13A to Act No. 342 of December 16, 1999, as amended, known as the “Act for Safeguarding Minors in the 21st Century”, in order to establish the “Code Adam” protocol for the safety of children in public buildings.

STATEMENT OF MOTIVES

Adam Walsh, a six-year-old child, was murdered after being kidnapped from a shopping center in the State of Florida in 1981. Although this crime has not yet been solved, his parents, inspired by the memory of their son and with the help of the private sector and the government, have undertaken the mission to prevent other families from having to face a similar tragedy.

Aware of the fact that providing safety to minors is the obligation of all sectors of society, major commercial chains in the United States of America with branches in Puerto Rico, implemented a protocol known as “Code Adam” in 1993. It consists of safety procedures to find the whereabouts of a child who has been kidnapped or is merely lost in a commercial establishment.

John and Reve Walsh, Adam’s parents, have endeavored to ensure that all stores and public establishments adopt this protocol, but unfortunately, the idea has not been accepted as expected. The action taken by some states of the Union has been limited to the approval of resolutions suggesting that private companies adopt this program established eight years ago. John Walsh has also undertaken other initiatives to fight crime and is the creator and host of the television program “America’s Most Wanted,” the purpose of which is to remove fugitives from the streets, thus preventing these

persons from committing future crimes and ensuring that they pay their debt to society.

Unfortunately, our children are victims of this terrible social evil. Notorious cases still occur such as that of Odalys Cruz Maldonado, the newborn baby kidnapped on July 12, 1988, from Ryder Hospital in Humacao and found three months later by officers Heriberto Rivera-Ruiz and Wanda Ilarraza, who eventually caught the kidnapper and recovered the baby girl. Another unsolved case concerns Rolandito Salas-Jusino, who disappeared on July 7, 1999, and whose parents and all the people of Puerto Rico remain hopefully awaiting his return.

The Legislature of the Commonwealth of Puerto Rico acknowledges the compelling interest and the obligation of all governments to watch over the health and protection of all its citizens, mainly of its children, who are but helpless victims of the criminal minds that unscrupulously abuse or deprive them of the most precious right in the world: the right to life.

The purpose of this legislation is to enforce the public policy of the Commonwealth of Puerto Rico set forth in the Act for Safeguarding Minors in the 21st Century, which recognizes the inviolability of human rights, especially those of our children, and states that the defense of their general well-being is, as established above, a compelling interest of the State. For these reasons, this protocol is hereby adopted and its enforcement ordered in all public buildings, as defined in the present measure, and the Secretary of the Department of the Family, the Chief of the Puerto Rico Firefighters Corps, the Superintendent of the Puerto Rico Police and the administrators of public buildings are hereby empowered to take the steps necessary to expedite compliance therewith.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.—Subsection (jj) is hereby added to Section 2, and a new Section 13A is hereby added to Act No. 342 of December 16, 1999, as amended, to read as follows:

“Section 2.—Definitions

For the purposes of this Act, the following terms shall have the meaning stated hereinbelow:

(a) ...

(aa) ...

(jj) ‘Building’ means and includes those structures that house offices, dependencies or facilities of the Government of the Commonwealth of Puerto Rico, including the municipalities, corporations and public instrumentalities as well as the courts of justice of the Commonwealth of Puerto Rico.

...”

“Section 13A.—Protocol to prevent the kidnapping of minors in public buildings

(1) The ‘Code Adam’ safety protocol is hereby established to be implemented by all administrators of public buildings in the following manner: when a parent, tutor or guardian notifies any employee of a building that his/her child is lost, said employee shall obtain from the parent, tutor or guardian, a detailed description of the minor, including but not limited to the name, age, color of eyes, height, weight and clothing, particularly the shoes he/she was then wearing.

(a) From the closest telephone available, that same employee shall alert through the loudspeaker system or via any other

fast and effective means of communication, should the building's loudspeaker system be out of order, that 'Code Adam' has been activated, and shall furnish a detailed description of the minor according to the information provided by the parent, tutor or guardian, and shall provide the telephone number or extension from which the announcement is made.

- (b) The employee shall escort the parent, tutor or guardian to the main door of the building to help in identifying the child.
- (c) Persons designated by the administrator shall monitor all building exits to ascertain that the minor does not leave the building without the parent, tutor or guardian. In addition, two or more employees, as may be deemed necessary, shall be assigned to search the parking areas of the building. This does not entail the closing of any of the doors of the building.
- (d) Any person leaving through any of the building exits accompanied by a child shall be asked to go through the main exit previously designated by the administrator. If once there, said person insists on leaving the building, he/she shall be allowed to do so once it has been determined that the minor who is leaving is not the one being searched for and said person presumed to be the parent, tutor or guardian, presents an official identification with photo issued by the Commonwealth of Puerto Rico or his/her driver's license with photo from any state of the Union, or a passport with photo issued by any other government.

- (e) After the activation of 'Code Adam' has been announced through the building's loudspeaker system or through any other fast and effective means of communication, should said loudspeaker system be out of order, the employees shall search throughout the entire building, and two or more of them, as may be deemed necessary, shall be assigned to each floor to certify that the minor is not there. The employees that serve the public or those that have been previously excluded by the administrator shall not be compelled to participate in the search.
- (f) If the minor is not found within a ten-minute period, the 9-1-1 emergency phone number shall be dialed and the situation reported so that state security or emergency personnel may be immediately deployed to the site.
- (g) If the minor is found unharmed and seems to have been simply lost in the building, he/she shall be immediately taken over to the parent, tutor or guardian. If he/she is found in the company of any person other than his/her parent, tutor or guardian, any reasonable means shall be used to delay the exit of said person from the building, until a Puerto Rico Police officer arrives and said person is duly identified.
- (h) Upon completion of the procedure, it shall be announced via the loudspeaker system that 'Code Adam' has ended, and the administrator shall prepare a report of the incident, which shall be kept in the administrative files for a term of three (3) years.

- (2) The Secretary of the Department of the Family, the Chief of the Puerto Rico Firefighters Corps and the Superintendent of the Puerto Rico Police shall be responsible for coordinating the implementation of 'Code Adam,' for which they shall adopt and promulgate the regulations needed, including but not limited to providing the administrators of all buildings with the orientation necessary for them to enforce it. They shall likewise promote the implementation of this safety protocol in buildings or structures that house private companies or entities that are visited by children.

The secretaries of Agencies, administrators, directors of offices and the presidents of public corporations of the Commonwealth of Puerto Rico shall direct the printing of signs measuring twelve (12) by twelve (12) inches, with white letters on a purple background, in accordance with the design adopted by the Secretary of the Department of the Family, who shall, in turn, determine the contents thereof, to be charged to the general budget of their respective agencies, and to be distributed throughout all agencies, offices and public dependencies of the Commonwealth of Puerto Rico and displayed in a visible place at the entrance to the building.

Those agencies, departments, offices or public dependencies that, due to the small size of their structure and the nature of the services they render to the citizens are not visited by children, shall be exempted from compliance with this Act upon determination, by Regulations, of the Secretary of the Department of the Family, the Chief of the Puerto Rico Firefighters Corps and the Superintendent of the Puerto Rico Police, as well as other facilities that house fire stations and any others which children do not visit or whose presence in these facilities is due to special circumstances.

The Secretary of the Department of the Family, the Chief of the Puerto Rico Firefighters Corps and the Superintendent of the Puerto Rico Police shall direct that an annual drill be conducted at each of these facilities. Said officials shall compile the statistics on the cases of children missing from or lost in public buildings and render an annual report to the Governor and the Legislature of the Commonwealth of Puerto Rico on the implementation of this Act.”

Section 2.—This Act shall take effect immediately after its approval solely so that the Secretary of the Department of the Family, the Chief of the Puerto Rico Firefighters Corps and the Superintendent of the Puerto Rico Police may adopt the regulations needed to implement the provisions of this Act. The remaining provisions shall take effect one hundred and eighty (180) days after its approval.