



# PUERTO RICO

Legal System	Constitution	Bill of Rights	Form of Government
Common Law Statutory Law	Written	Yes	Republic

## A. Criminal Statutes

### 1. Human Trafficking and Related Statutes

#### a. P.R. Laws Ann. tit. 33, § 4780 (2005) – Proxenetism, Pandering, and Human Trafficking

##### i. Summary

It is a fourth-degree felony whenever:

- (a) Any person who, for profit, or to satisfy the lewdness of another, promotes or enables the prostitution of another person, even with the consent of that person;
- (b) A person makes the prostitution of others the person's habitual means of livelihood; or
- (c) A person promotes or enables the entry or exit from the Commonwealth of Puerto Rico of another person, even with the consent of that person, to have the person practice prostitution or sodomy.

P.R. Laws Ann. tit. 33, § 4780.

##### ii. Sentencing

The sentence for a fourth-degree felony is a fixed prison term of not less than six months and one day and not more than three years. The Parole Board may consider an offender for parole after the offender has served 50% of the prison term. P.R. Laws Ann. tit. 33, §§ 4694(e), 4695. The court shall impose a special punishment of USD 300 for each felony conviction payable into the Crime Victims Special Compensation Fund. P.R. Laws Ann. tit. 33 § 4695.

The court may impose a fine based on the offender's gross annual income in the year the crime was committed. For a fourth-degree felony, the court may impose a fine equal to 4% of the offender's annual income at the time the crime was committed. P.R. Laws Ann. tit. 33, § 4712(d).

The court may also order an offender to pay the victim restitution for the victim's personal injuries and property damage caused by the criminal act. The court may order that the restitution be paid in money, in services, or through the delivery of the illegally appropriated property or the equivalent, if the property is not available. Restitution "does not include suffering and mental anguish." Restitution shall be paid immediately. At the offender's request and at the court's discretion, taking into consideration the offender's financial situation, the restitution may be paid in full or in installments within a reasonable term after the sentence's effective date. P.R. Laws Ann. tit. 33, §§ 4677, 4689.

##### iii. Statute of Limitations

The statute of limitations for a fourth-degree felony is generally five years. P.R. Laws Ann. tit. 33, § 4727(b). Any felony committed by a public officer or employee in the performance of public duties does not have a statute of limitations. P.R. Laws Ann. tit. 33, § 4728.

**b. P.R. Laws Ann. tit. 33, § 4781 (2005) – Aggravated Proxenetism, Pandering, and Human Trafficking**

**i. Summary**

A person who commits the crime described in P.R. Laws Ann. tit. 33, § 4780 (proxenetism, pandering, and human trafficking) is guilty of a third-degree felony:

- (a) If the victim has not attained 18 years of age.
- (b) When there is deceit, violence, abuse of authority, or any means of intimidation or coercion.
- (c) If the perpetrator is an ascendant, descendent, spouse, sibling, or guardian or the person has charge of the education, guardianship, or custody of the victim.
- (d) If the prostitution or sodomy of more than one person is promoted or enabled.

P.R. Laws Ann. tit. 33, § 4781.

**ii. Sentencing**

The sentence for a third-degree felony is imprisonment for not less than three years and one day and not more than eight years. The Parole Board may consider an offender for parole after the offender has served 60% of the prison term. P.R. Laws Ann. tit. 33, § 4694(d). The court shall impose a special punishment of USD 300 for each felony conviction payable into the Crime Victim Special Compensation Fund. P.R. Laws Ann. tit. 33, § 4695.

The court may impose a fine based on the offender’s gross annual income in the year the crime was committed. For a third-degree felony, the court may impose a fine equal to 6% of the offender’s annual income at the time the crime was committed. P.R. Laws Ann. tit. 33, § 4712(c).

The court may also order an offender to pay restitution to the victim for the victim’s personal injuries and property damage caused by the criminal act. The court may order that the restitution be compensated in money, in services, or through the delivery of the illegally appropriated property or the equivalent, if the property is not available. Restitution does not include compensation for suffering and mental anguish. Restitution shall be paid immediately. At the offender’s request and at the court’s discretion, taking into consideration the offender’s financial situation, it may be paid in full or in installments within a reasonable term after the sentence’s effective date. P.R. Laws Ann. tit. 33, §§ 4677, 4689.

**iii. Statute of Limitations**

The statute of limitations for a third-degree felony is generally five years. P.R. Laws Ann. tit. 33, § 4727(b). Any felony committed by a public officer or employee in the performance of public duties does not have a statute of limitations. P.R. Laws Ann. tit. 33, § 4728.

**c. P.R. Laws Ann. tit. 33, § 4794 (2005) – Slavery**

**i. Summary**

A person who exercises the right of ownership over another person is guilty of a third-degree felony. P.R. Laws Ann. tit. 33, § 4794.

**ii. Sentencing**

The sentence for a third-degree felony is imprisonment of not less than three years and one day and not more than eight years. The Parole Board may consider an offender for parole after the offender has served 60% of the term of imprisonment. P.R. Laws Ann. tit. 33, § 4694(d). The court shall impose a special punishment of USD 300 for each felony conviction payable into the Crime Victim Special Compensation Fund. P.R. Laws Ann. tit. 33, § 4695.

The court may impose a fine based on the offender’s gross annual income in the year the crime was committed. For a third-degree felony, the court may impose a fine equal to 6% of the offender’s annual income at the time the crime was committed. P.R. Laws Ann. tit. 33, § 4712(c).

The court may also order an offender to pay the victim restitution for the victim’s personal injuries and property damages caused by the criminal act. The court may order that the penalty of restitution be compensated in money, in services, or through the delivery of the illegally appropriated property or the equivalent, if the property is not available. Restitution does not include compensation for suffering and mental anguish. Restitution shall be paid immediately. At the offender’s request and at the court’s discretion, taking into consideration the offender’s financial situation, it may be paid in full or in installments within a reasonable term after the sentence’s effective date. P.R. Laws Ann. tit. 33, §§ 4677, 4689.

### iii. Statute of Limitations

The statute of limitations for a third-degree felony is generally five years. P.R. Laws Ann. tit. 33, § 4727(b). Any felony committed by a public officer or employee in the performance of public duties does not have a statute of limitations. P.R. Laws Ann. tit. 33, § 4728.

## d. P.R. Laws Ann. tit. 33, § 4934 (2005) – Crimes Against Humanity

### i. Summary

A crime against humanity occurs when any act specified in the statute, including slavery or sexual slavery, is committed as part of a general or systematic attack against a civil population. P.R. Laws Ann. tit. 33, § 4934(1)(c), (g). A person who commits a crime against humanity in the modality of rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization, or other sexual abuse of comparable seriousness is guilty of a first-degree felony. P.R. Laws Ann. tit. 33, § 4934(1)(g). A person who commits a crime against humanity in the other modalities specified by the statute (including slavery) is guilty of a second-degree felony. P.R. Laws Ann. tit. 33, § 4934(1)(c).

“Slavery” for these purposes means “the exercise of the attributes of ownership over a person or group of persons, including the exercise of said attributes [the attributes of ownership over a person or group of persons] in the trafficking of persons, particularly women and children.” P.R. Laws Ann. tit. 33, § 4934(2)(b).

### ii. Sentencing

The sentence for a first-degree felony is “imprisonment in natural years of ninety-nine (99) years.” P.R. Laws Ann. tit. 33, § 4694(a). The Parole Board may consider an offender for parole after the offender has served 25 years or 10 years in the case of a minor tried and convicted as an adult. P.R. Laws Ann. tit. 33, § 4694(a). A sentence for a second-degree felony is imprisonment for a fixed term of not less than eight years and one day and not more than 15 years. P.R. Laws Ann. tit. 33, § 4694(b). The court shall impose a special punishment of USD 300 for each felony conviction payable into the Crime Victim Special Compensation Fund. P.R. Laws Ann. tit. 33, § 4695.

The court may impose a fine based on the offender’s gross annual income in the year the crime was committed. For a first-degree felony, the court may impose a fine equal to 10% of the offender’s annual income at the time the crime was committed. P.R. Laws Ann. tit. 33, § 4712(a). For a second-degree felony, the court may impose a fine equal to 8% of the offender’s annual income at the time the crime was committed. P.R. Laws Ann. tit. 33, § 4712(b).

The court may also order the offender to pay restitution to the victim for the victim’s personal injuries and property damages caused by the criminal act. The court may order that restitution be compensated in money, in services, or through the delivery of the illegally appropriated property or the equivalent, if the property is not available. Restitution does not include compensation for suffering and mental anguish. Restitution shall be paid immediately. At the offender’s request and at the court’s discretion, taking into consideration the offender’s financial situation, it may be paid in full or in installments within a reasonable term after the sentence’s effective date. P.R. Laws Ann. tit. 33, §§ 4677, 4689.

### iii. Statute of Limitations

There is no statute of limitations for a felony of the first degree or for the offense of a crime against humanity. P.R. Laws Ann. tit. 33, § 4728.

#### 2. Online Child Sexual Exploitation and Child Pornography Offenses

P.R. Laws Ann. tit. 1, §§ 541–549 – Citizen’s Bill of Rights on Obscenity and Child Pornography

P.R. Laws Ann. tit. 1, § 542 – Definitions

P.R. Laws Ann. tit. 1, § 542 – Applicability

P.R. Laws Ann. tit. 1, § 543 – Radio, Computer and Television Without Obscenity and Child Pornography

P.R. Laws Ann. tit. 1, § 544 – Right to Know the Laws on Child Pornography and Obscenity

P.R. Laws Ann. tit. 1, § 545 – Right to Know Available Remedies

P.R. Laws Ann. tit. 1, § 546 – Right to Prohibit Obscene Material and Child Pornography

P.R. Laws Ann. tit. 1, § 547 – Transmission of Indecent Material

P.R. Laws Ann. tit. 1, § 548 – Education on the Harmful Effect of Obscenity and Child Pornography

P.R. Laws Ann. tit. 1, § 549 – Implementation of This Chapter

P.R. Laws Ann. tit. 33, § 4782 – Crimes Against Sexual Indemnity, Definitions

P.R. Laws Ann. tit. 33, § 4783 – Sending, Transporting, Sale, Distribution, Publishing, Exhibiting or Possessing Obscene Material

P.R. Laws Ann. tit. 33, § 4784 – Obscene Shows

P.R. Laws Ann. tit. 33, § 4785 – Production of Child Pornography

P.R. Laws Ann. tit. 33, § 4786 – Possession and Distribution of Child Pornography

P.R. Laws Ann. tit. 33, § 4787 – Use of a Minor for Child Pornography

P.R. Laws Ann. tit. 33, § 4788 – Exhibition and Sale of Material Injurious to Minors

P.R. Laws Ann. tit. 33, § 4789 – Propaganda of Obscene or Child Pornography Material

P.R. Laws Ann. tit. 33, § 4790 – Conditional Sale or Distribution

P.R. Laws Ann. tit. 33, § 4791 – Transmission or Retransmission of Obscene or Child Pornography Material

P.R. Laws Ann. tit. 33, § 4792 – Seizure of Property or Interest Acquired in Violation of any Crime Against Sexual Indemnity

P.R. Laws Ann. tit. 33, § 4793 – Destruction of Material

**3. P.R. Laws Ann. tit. 4, § 536 (2004) – Registry of Persons Convicted of Violent Sexual Crimes and Child Abuse**

Any person convicted of human trafficking for sexual purposes when the victim is a minor and certain other offenses must register on the Registry of Persons Convicted of Sex Offenses and Child Abuse. P.R. Laws Ann. tit. 4, § 536.

**B. Civil Liability Statutes**

No statute authorizing a civil lawsuit for human trafficking victims was found.

**C. Additional Statutes Specific to Human Trafficking**

**1. P.R. Laws Ann. tit. 1, § 5279 (2015) – Human Trafficking Awareness and Prevention Month**

February of each year is designated as “Human Trafficking Awareness and Prevention Month in the Commonwealth of Puerto Rico.” The Department of Education and the Department of the Family are in charge of educating, informing, and raising awareness of the consequences and prevention of human trafficking through fairs, workshops, seminars, presentations, and prevention programs.

**2. P.R. Laws Ann. tit. 29, §§ 250 *et seq.* – Puerto Rico Minimum Wage, Vacation, and Sick Leave Act; Civil Lawsuit**

An employee who receives compensation for their work less than prescribed by Puerto Rico laws, a collective bargaining agreement, or an individual work contract may bring a civil lawsuit to recover unpaid wages, vacation, and sick leave. A successful employee is entitled to an amount equal to the unpaid wages, vacation, and sick leave as additional compensation, as well as interest, costs, and attorney’s fees. P.R. Laws Ann. tit. 29, § 250i. An employer in violation of the Puerto Rico Minimum Wage, Vacation and Sick Leave Act may be subject to a prosecution for a misdemeanor and a fine and imprisonment. P.R. Laws Ann. tit. 29 § 250g.

More information is available at: <https://www.dol.gov/agencies/whd/flsa/puerto-rico>.

**3. P.R. Laws Ann. tit. 34, § 4006 (2011) – Persons Subject to Sampling**

DNA may be collected from persons arrested for committing or attempting to commit: (1) proxenetism, pandering, and human trafficking, and (2) aggravated proxenetism, pandering, and human trafficking. P.R. Laws Ann. tit. 34, § 4006.

**4. P.R. Laws Ann. tit. 25 § 3694 (2017) – Special Investigations Bureau; Jurisdiction**

The Special Investigations Bureau has concurrent jurisdiction over human trafficking, child pornography, and child abduction. P.R. Laws Ann. tit. 25, § 3694.

**5. P.R. Laws Ann. tit. 31 § 634 (2018) – Grounds for Terminating, Restricting, or Suspending Parental Rights.**

The grounds for terminating, restricting, or suspending parental rights include conduct which, if criminally prosecuted, would constitute proxenetism, pandering, and aggravated human trafficking under Puerto Rico law or having been convicted of any of those offenses. P.R. Laws Ann. tit. 31, § 634.

**D. Significant Cases**

No significant cases were found regarding Puerto Rico’s human trafficking statutes.

## E. Academic Research/Papers

- Anagabriela Esquerdo Perez, *Human Trafficking in Puerto Rican Sports*, 12 U. Puerto Rico L.J. 1 UNIVERSITY OF PUERTO RICO BUSINESS LAW JOURNAL (2021).
- Belines Ramos Negrón, *The Sociological Reality of Human Trafficking*, 14 Rev. Crit. UIPR 69, JOURNAL OF CRITICAL LAW STUDIES (2018).
- Luisa Hernández Angueira, Ph.D., César A. Rey Hernández, Ph.D., *Gender Violence and Trafficking*, Ricky Martin Foundation (2017), <https://rickymartinfoundation.org/wp-content/uploads/2020/11/LIBRO-TRATA-HUMANA-ENGLISH-web1.pdf>.
- Amalia L. Cabezas and Ana Alcázar Campos, *Trafficking Discourses of Dominican Women in Puerto Rico*, 65 SIR ARTHUR INST. OF SOCIAL AND ECON. STUDIES 33 (2016).
- César A. Rey Hernández, Ph.D., Luisa Hernández Angueira, Ph.D., *Human Trafficking in Puerto Rico: An Invisible Challenge*, Ricky Martin Foundation (2010), [http://rickymartinfoundation.org/images/rmf\\_english\\_final1.pdf](http://rickymartinfoundation.org/images/rmf_english_final1.pdf).
- César A. Rey Hernández, Ph.D., Luisa Hernández Angueira, Ph.D., *Human Trafficking: Modern Slavery in Puerto Rico*, Ricky Martin Foundation (2014), <https://www.worldcat.org/title/human-trafficking-modern-slavery-in-puerto-rico/oclc/891380647>.

## F. Resources

- National Human Trafficking Hotline (Puerto Rico):  
<https://humantraffickinghotline.org/es/state/puerto-rico>.
- Ricky Martin Foundation:  
<https://rickymartinfoundation.org/our-work/research/>.
- U.S. Department of Health & Human Services, *Puerto Rico: Efforts to Combat Human Trafficking* (2017):  
[https://www.acf.hhs.gov/sites/default/files/otip/puerto\\_rico\\_profile\\_efforts\\_to\\_combat\\_human\\_trafficking.pdf](https://www.acf.hhs.gov/sites/default/files/otip/puerto_rico_profile_efforts_to_combat_human_trafficking.pdf).
- U.S. Immigration and Customs Enforcement Tip Form:  
<https://www.ice.gov/webform/ice-tip-form>.

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