

(S. B. 1653)

AN ACT

To amend Section 6 of Act No. 191 of December 22, 2009, known as the “Act to Prohibit the Retention, Keeping on Record, and Keeping under Custody of Certified Copies of Birth Certificates by Public and Private Entities,” for the purpose of extending the effective term of certified birth certificate copies issued before July 1, 2010.

STATEMENT OF MOTIVES

Act No. 191 of December 22, 2009, known as the “Act to Prohibit the Retention, Keeping on Record, and Keeping under Custody of Certified Copies of Birth Certificates by Public and Private Entities,” was approved for the purpose of reinforcing birth certificate issue and use in order to counteract fraudulent practices and protect the identity and credit of all individuals born in Puerto Rico. Said Act is necessary to provide security to all passports and protect our nations from criminals who attempt to steal the identity of U. S. citizens by using stolen birth certificates from Puerto Rico.

Said Act became effective on January 1, 2010, and since then, it is prohibited to surrender the custody of birth certificate copies to any public or private entity requesting the same, and provides for the actions to be taken absent the Vital Statistics Registry certificates. Section 6 of Act No. 191, *supra*, establishes that all certified birth certificate copies issued before July 1, 2010, shall be null and shall have no effect whatsoever for any purpose for which the same were requested. On the other hand, the Act establishes a transition period which grants a 15-day effective term for birth certificates issued after June 15, 2010, and before July 1, 2010.

Various Federal Agencies, such as the Department of Homeland Security (DHS), the United States Department of State, and the Department of Defense, have expressed to the Puerto Rico Federal Affairs Administration (PRFAA), that the time period granted for Puerto Rican U. S. citizens, specially to those who do not reside in the Island, to request a new birth certificate is too short and relatively non-existent when compared to the actual time it takes the Department of Health to issue such certificate once it is requested. These agencies have spoken on behalf of the U.S. citizens born in Puerto Rico who request a birth certificate before July 1, 2010, date on which every valid certificate as of said time shall be rendered ineffective and that, due to the bureaucratic process of preparing and producing such certificates by the agency, such certificates shall be ready for a date subsequent to July 1, 2010, when they are no longer effective.

These Federal agencies, as well as the PRFAA, have voiced the concerns and misgivings of a large number of Puerto Ricans who have required or will require a birth certificate, as provided by pertinent laws and regulations, and who most likely shall not receive such certificate before the date set by Act No. 191, *supra*, to make an appropriate use thereof. These agencies have forewarned that it is very likely that citizens shall have to wait until July 1, 2010, to apply for a new birth certificate, but that the time that it will take for the Department of Health to issue the same would possibly be greater and later than the date or time the citizen will need to present the same, according to their needs. This would cause the unnecessary delay and loss of services, benefits, and even jobs to be obtained or enjoyed by citizens, for not having their birth certificates available when they needed them. Various Federal agencies have stated on several occasions that the 15-day transition period granted regarding certificates issued before July 1 is not sufficient, since it would only be effective for those citizens who shall receive the

same during such term, but not for those who request certificates during such period, since, as it has been mentioned before, the production of such certificates takes a considerable amount of time.

It is evident that this process would require nonresidents to make a time investment much greater than that required from those who reside in the Island and have easier access to these services, while rendering nonresidents liable to suffer the same consequences for not receiving their birth certificates on time as needed.

The PRFAA, as well as other officials of the United States Department of State and other Federal agencies, has supported the approval of Act No. 191, *supra*, since it is in harmony with the government program of the present President of the United States, Barack Obama, regarding national security, and which seeks to prevent by all means the constant theft of identities in the United States; however, they also suggest that the U. S. citizens born in Puerto Rico should have at least a three (3)-month grace period in order to be fair with the people who will need new birth certificates close to July 1, 2010, but who, due to the processing thereof, will not receive such certificates at a time much later than when they were truly needed. Such grace period would allow for birth certificates requested before July 1, 2010, not to be rendered ineffective immediately as of such date, but rather, at a later deadline that would be extended to September 30, 2010; provided, that the Governor of Puerto Rico may extend such term for thirty additional days by means of an Executive Order to such purposes, thus providing the people with reasonable time to request new certificates and use the previously requested certificates as necessary. This, in turn, would prevent the Department of Health from having to deal with the situation of facing a large amount of new birth certificate requests by citizens who require new certificates, because the certificates that they have are no longer effective. Thus, the process shall be divided into two phases for the Department of Health—that of July 1, 2010, and

that of September 30, 2010. In this manner, the Agency shall be able to render an expedited and efficient service to the people, since it shall not be overwhelmed by so many requests, as it would be otherwise, should the provisions of the Act, which establish that all certificates issued shall be rendered ineffective as of July 1, 2010, are observed.

This initiative does not seek to hinder or delay the effectiveness of Act No. 191, 2009, for this Act shall continue to be in effect as provided therein, and all birth certificates requested after July 1, 2010, shall be produced pursuant to the security procedures and measures so stipulated. With this amendment, we seek to honor the birth certificates of those citizens who request them before July 1, 2010, and provide these citizens with fair and reasonable time to request new certificates as provided by the Act, in order to prevent them from sustaining any damages for not having a valid certificate to meet their individual needs.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Section 6 of Act No. 191 of December 22, 2009, is hereby amended to read as follows:

“Section 6.—Invalidation or Nullity of Certified Copies of Birth Certificates.—

All certified copies of birth certificates issued before July 1, 2010, shall be null and shall have no effect whatsoever for any purpose for which the same were requested, after September 30, 2010. This provision shall not be interpreted to void any procedures initiated prior to the expiration date provided for in this Section, for which certified copies of birth certificates issued before July 1, 2010, are being validly used.

Notwithstanding the foregoing, the Governor of Puerto Rico may, by means of an Executive Order and for justified causes, extend such effective term of the certified copies of the birth certificates for an additional term of thirty (30) days.”

Section 2.- Effectiveness

This Act shall take effect immediately after its approval.