

Judicial Criminal Registry of the Judicial Power to update criminal records

January 5, 2017

As of July 13, 2016, Law number 9361, “Reform to the Judicial Registries and Files Law”, (Ley del Registro y Archivos Judiciales) came into force. The law gives the Judicial Criminal Registry of the Judicial Power six months ending on January 13, 2017 to update the criminal records of individuals for whom the law applies.

Law number 9361 amends article 11 of the Judicial Registries and Files Law

This means that the criminal record will be updated as follows:

- Immediately after the imposed penalty is fulfilled: provided that the penalty is either under three years or is based on non-intentional crimes.
- One year after the imposed penalty is fulfilled: for a penalty of three to five years.
- Three years after the imposed penalty is fulfilled: for a penalty of five to ten years.
- Five years after the imposed penalty is fulfilled: for a penalty of ten years or more.
- Ten years after the imposed penalty is fulfilled: for a penalty for crimes processed under the special procedure of: organized crime, terrorism, sexual offenses against minors, qualified homicide, femicide, and crimes against the duties of the public function.

In cases of crimes committed by a person in a vulnerable condition (and with dependent relatives), either the judge or the judge of the penalty’s execution will evaluate expunging the criminal record, once the imposed penalty has been fulfilled. The exception to these cases is for crimes processed or under the special procedure of organized crime – as governed by the Law Against Organized Crime, Terrorism, Sexual Offenses against Minors, Qualified Homicide, Femicide, and Crimes against the Duties of the Civil Service.

For labor purposes, the Judicial Registry of Offenders will only record in the criminal record the penalty referring to crimes processed under the special procedure of organized crime, terrorism, sexual offenses against minors, qualified homicide, femicide, and crimes against the duties of the public function.

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- The employer’s obligations and rights during the recruitment process.
- The proper application of labor legislation regarding the job offer and hiring of personnel.
- Best practices at the workplace for antidiscrimination and personal information requests.