

(S. B. 385)

(No. 3-2023)

(Approved January 9, 2023)

AN ACT

To amend Section 5.1 of Act No. 127 of June 27, 1958, as amended, known as the “Pensions for Disability or Death in the Line of Duty Act,” for the purpose of increasing the mortgage payoff amount up to two hundred thousand dollars (\$200,000.00); and amend Act No. 111 of July 16, 1988, to grant full exemption at the University of Puerto Rico and its Campuses across Puerto Rico, as well as any postsecondary educational institution of the Government or its municipalities, for tuition, fees, books, and other necessary materials to complete an academic degree, at the undergraduate, career and technical postsecondary, graduate, and/ or professional levels, to the surviving spouse and unemancipated children and stepchildren to whom the employee acted as a parent, under the age of twenty-five (25) of an employee who dies while on duty; and for other legal purposes.

STATEMENT OF MOTIVES

The employees of public safety agencies perform a commendable work, because they put their lives at risk every day to protect the life and property of all Puerto Ricans. Their values, integrity, commitment, and dedication are what motivates these men and women to regularly leave their families late at night, disregarding their needs and circumstances to ensure the welfare of the general public.

Sadly, we have borne witness to how their commitment can lead them to lose their lives in the line of duty, in some cases leaving their families behind and completely helpless. Thus, it is imperative to amend Act No. 127, *supra*, which provides, among other things, special benefits when a police officer die while on duty, in order to increase the mortgage payoff amount from sixty thousand dollars (\$60,000.00) to two hundred thousand dollars (\$200,000.00). Furthermore, the surviving spouse, the unemancipated children, and stepchildren to whom the

employee acted as a parent, under twenty-five (25) years of age, who are *bona fide* students enrolled full-time in an accredited educational institution, as well as dependents of employees who die while on duty shall receive a full exemption at the University of Puerto Rico and its Campuses across Puerto Rico as well as at any postsecondary educational institution of the Government or its municipalities, for tuition, fees, books, and any materials necessary to complete an academic degree, at the undergraduate, career and technical postsecondary, graduate, and professional levels.

According to information provided annually by the Department of Public Safety, every year approximately three employees die while on duty. Increasing the benefits for these families who suffer the loss of a family member in the line of duty is minimal when compared to the sacrifice they made.

Thus, this Legislative Assembly honors and recognizes employees who die while on duty as well as their families by granting them additional benefits.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Section 5.1 of Act No. 127 of June 27, 1958, as amended, known as the “Pensions for Disability or Death in the Line of Duty Act,” is hereby amended to read as follows:

“Section 5.1.- Death benefits—In the Line of duty

In addition to the death benefits previously mentioned in this Act, when a member of the Police Bureau dies while on duty within the jurisdiction of the Commonwealth of Puerto Rico, and he or she has a mortgage on his or her principal residence that has been executed with the only purpose of buying, crediting, or paying off the debt on said property, his or her widow or widower or not emancipated children, or in the event that the police officer dies without a surviving spouse or children, his or her parents or, in its default, his or her grandparents, may receive up to two hundred thousand dollars (\$200,000.00) to cover the payment of said

mortgage. Said payment shall be payable to the financial institution that holds the said mortgage. Even if the mortgage of the principal residence of the household, at the time of the death, is not in the name of the police officer fallen while on duty, the Commissioner shall grant this benefit.

It shall be the duty of the Commissioner to prescribe the regulations and forms needed for the implementation of this Section.”

Section 2.- Section 1 of Act No. 111 of July 16, 1988, as amended, known as the "Scholarship Fund for the Children of Members of the Police Corps," is hereby amended to read as follows:

“Section 1.- Special Scholarship Fund.-

The ‘Scholarship Fund for Children and Stepchildren to whom the Employee Acted as Parent, and Surviving Spouses of Members of the Police Corps,’ hereinafter denominated as the ‘Fund,’ is hereby created in the books of the Department of Treasury as a special fund, without fiscal year determination, distinct and separate from all other monies or funds of the Government of the Commonwealth of Puerto Rico.

This Fund shall be administered in accordance with the rules and regulations adopted by the Puerto Rico Police pursuant to the provisions in effect for the administration of similar funds.

The Fund shall be used exclusively by the Puerto Rico Police to grant scholarships to the children, stepchildren to whom the employee acted as parent, and surviving spouses of members of the Police who die while on duty or due to health conditions or service-related accidents or who, while off-duty, die as a result of an intervention to prevent the commission of a crime.

The Fund shall be funded by:

(1) The appropriations provided in this Section and those appropriated by the Legislative Assembly in the future to the Fund created herein.

(2) Any other monies that are donated, transferred, or assigned by any private person or entity or by a Federal, local, or municipal government entity, which shall be used in accordance with the conditions of the donation or legal ones applicable to each case.

These items shall be deposited into the Fund and any unexpended balance of the legislative appropriations remaining shall not revert to the General Fund at the end of the fiscal year pursuant to the provisions of Act No. 230 of July 23, 1974, as amended.”

Section 3.- Section 5 of Act No. 111 of July 16, 1988, as amended, known as the “Scholarship Fund for the Children of Members of the Police Corps,” is hereby amended to read as follows:

Section 5.- Scholarship Number and Amount

The Commissioner of the Police Bureau shall select from among eligible candidates the number of students allowed based on the availability of resources in the Fund annually for such purposes; Provided, that the amount of each scholarship shall not exceed one thousand dollars (\$1,000), except in the case of scholarships intended for education whose annual cost exceeds one thousand dollars (\$1,000), in which case, it may be increased up to two thousand dollars (\$2,000), annually.

Provided, further, that the surviving spouse, unemancipated children, and stepchildren to whom the employee acted as a parent, under twenty-five (25) years of age, who are *bona fide* students enrolled full-time at an accredited educational institution, as well as dependents of employees who died while on duty as a result of a service-related accident shall have full exemption at the University of Puerto Rico and its Campuses across Puerto Rico as well as any postsecondary educational institution of the Government or its municipalities, for tuition, fees, books, and other necessary materials to complete an academic degree, at the undergraduate, career and technical postsecondary, graduate, and/or professional level.”

Section 4.- Section 6 of Act No. 111 of July 16, 1988, as amended, known as the “Scholarship Fund for the Children of Members of the Police Corps,” is hereby amended to read as follows:

“Section 6.- Appropriations

The sum of fifteen thousand (15,000) dollars is hereby appropriated to the Scholarship Fund for Children, Stepchildren to whom the employee acted as Parent and Surviving Spouses of Members of the Police Bureau, from unencumbered funds in the general budget, to carry out the purposes of this Act during fiscal year 1988-1989. In subsequent fiscal years the necessary funds shall be earmarked in the General Expense Budget of the Puerto Rico Police, taking into consideration the preceding year’s experience and results.”

Section 5.- Supremacy Clause

The provisions of this Act shall prevail over the conflicting provisions of any other law or Joint Resolution, except that the provisions of said other law or Joint Resolution have the express and unequivocal purpose of amending or repealing the provisions of this Act.

Section 6.- Severability.

If any part of this Act were held to be void or unconstitutional, the ruling, holding, or judgment to such effect shall not affect, impair, or invalidate the remainder of this Act. The effect of said the ruling, holding, or judgment shall be limited to the specific part of this Act thus held to be void or unconstitutional. If the application to a person or a circumstance of any part of this Act were held to be void or unconstitutional, the ruling, holding, or judgment to such effect shall not affect or invalidate the application of the remainder of this Act to such persons or circumstances where it may be validly applied. It is the express and unequivocal will of this Legislative Assembly that the courts enforce the provisions and application thereof to the greatest extent possible, even if it renders ineffective, annuls,

invalidates, impairs, or holds to be unconstitutional any part thereof, or even if it renders ineffective, invalidates, or holds to be unconstitutional the application thereof to any person or circumstance.

Section 7.- Effectiveness

This Act shall take effect upon its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 3-2023 (S. B. 385)** of the **4th Regular Session** of the **19th Legislative Assembly of Puerto Rico**:

AN ACT amend Section 5.1 of Act No. 127 of June 27, 1958, as amended, known as the “Pensions for Disability or Death in the Line of Duty Act,” for the purpose of increasing the mortgage payoff amount up to two hundred thousand dollars (\$200,000.00); and amend Act No. 111 of July 16, 1988, to grant full exemption at the University of Puerto Rico and its Campuses across Puerto Rico, as well as any postsecondary educational institution of the Government or its municipalities, for tuition, fees, books, and other necessary materials to complete an academic degree, at the undergraduate, career and technical postsecondary, graduate, and/ or professional levels, to the surviving spouse and unemancipated children and stepchildren to whom the employee acted as a parent, under the age of twenty-five (25) of an employee who dies while on duty; and for other legal purposes.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on this 18th day of October, 2023.

Mónica Freire-Florit, Esq.
Director