

(H. B. 741)

(No. 20-2017)

(Approved April 10, 2017)

AN ACT

To establish the Puerto Rico Department of Public Safety for the purposes of creating a new system comprised of all of the components that administer the public safety in Puerto Rico; allow for the sharing of personnel and administrative expenses; create the Puerto Rico Police Bureau; create the Bureau of the Puerto Rico Firefighters Corps; create the Forensic Science Bureau; create the 9-1-1 Emergency Systems Bureau; create the Emergency Management and Disaster Administration Bureau; create the Bureau of the Puerto Rico Medical Emergency Corps; create the Puerto Rico Special Investigations Bureau; repeal Act No. 53-1996, as amended, known as the “Puerto Rico Police Act”; repeal Act No. 43 of June 21, 1988, as amended, known as the “Puerto Rico Firefighters Corps Act”; repeal Act No. 211-1999, as amended, known as the “Puerto Rico Emergency Management and Disaster Administration Agency Act”; repeal Act No. 539-2004, as amended, known as the “Medical Emergency Corps of the Commonwealth of Puerto Rico Act”; repeal Act No. 144-1994, as amended, known as the “9-1-1 Calls Act”; repeal Act No. 13 of July 24, 1985, as amended, known as the “Puerto Rico Institute of Forensic Sciences Act”; repeal Chapter III of Plan 5-2011, better known as the “Reorganization Plan of the Department of Justice of 2011”; repeal Reorganization Plan 2-1993, as amended, known as the “Safety and Public Protection Commission”; provide for the orderly transition towards the integration of the entities that shall form part of the Department of Public Safety in the aim of achieving savings and efficiency, improving the services rendered to the citizenry, meeting the requirements of the Police Reform, and securing federal funding; and for other related purposes.

STATEMENT OF MOTIVES

Public safety is a right that the State must guarantee to all its inhabitants, citizens, and residents to enable them to exercise their rights freely and safely. Citizens should feel safe and be certain that the State shall use its security forces against any individuals who fail to abide by the rule of law in order to protect their

rights as victims. In addition, citizens should feel confident that their state Government shall be ready and available in an emergency to provide help immediately and efficiently to safeguard their lives, health, family, and property.

The subject of public safety is covered extensively by the news media on the Island, which increases the levels of anxiety of all residents. The Puerto Rico of today is threatened by many factors that infringe upon the tranquility and endanger the wellbeing of its citizens, thus preventing them from freely exercising their rights within their social environment. The discussion about security in Puerto Rico has been centered primarily on the social, economic, cultural, and political aspects. According to the most recent statistical data available, violence has increased to such an extent that it warrants to be included in the government's agenda and to be made a priority.

Unfortunately, the high rate of crimes against persons and property, manifested in an evident increase in murders and other Class I offenses during the last decade, have affected the quality of life of all Puerto Ricans. Crime and violence instill fear and anxiety in our citizens regarding their personal safety. This situation hinders our economic development and lessens the appeal of certain areas for living, working, and studying purposes. Recently, we saw images of elementary school students taking cover under their school desks, while brave teachers tried to keep them calm as the sounds of gunfire were heard. This is not how our citizens should have to live. These types of situations should be the exception and not the norm. This Administration's commitment shall be to apprehend these criminals and prosecute them to the fullest extent of the law.

At present, all of Puerto Rico's municipalities have some sort of security issue as a result of crime. Therefore, we are compelled to assume new responsibilities and face the issue. This approach includes transparency and accountability by all state and local authorities with respect to every community in the Island.

Criminals are constantly availing themselves of better tools, using more technology, improving their organization abilities and, in many cases, resorting to more violence in the commission of crimes. Puerto Rico suffers not only from extreme violence arising from murders and homicides linked to criminal activity or narcotics trafficking, but also from many other criminal acts such as theft, kidnapping, sexual abuse, juvenile delinquency, and domestic violence.

The subject of citizen safety in Puerto Rico has focused on our pursuit and/or desire for providing an environment where people can live without threats or violence, and cohabitate with dignity and hope. However, this approach has yet to be successful and has prompted many Puerto Ricans to move to the U.S. mainland in search of a better quality of life, opportunities, tranquility, peace, and security. This exodus makes the local economic and social situation even worse; therefore, it is imperative to introduce new alternatives to address this situation.

Guaranteeing the safety of our Island's residents requires a multidisciplinary and multisectoral approach that goes beyond prosecuting those who break the law. Addressing the issue of crime requires a maximum effort to develop immediate and effective responses that are, in turn, consistent with the great advances made in democracy, and that respect human rights. Having qualified personnel with uniform training to conduct criminal investigations and bring judicial actions is essential for the fight against crime in Puerto Rico. We are compelled to maximize the security and protection resources by consolidating efforts and inserting ourselves into the United States' Homeland Security. In addition, we should provide the means for the various security components to operate in a coherent, coordinated, effective, and efficient manner. For such purposes, it is necessary to professionalize Puerto Rico's security personnel and to provide them with the resources and training necessary to discharge their duties effectively. We should have law enforcement officers with the highest degree of professionalism and education necessary to properly solve crimes,

and with a deep respect for civil rights as it is expected of them. We should also guarantee that the evidence gathered during their investigations is analyzed with the utmost scientific rigor in order for our People to live peacefully knowing that justice is being served. Lastly, it is essential for our emergency responders to have all the tools and training necessary to provide assistance when the public or individual safety is endangered by natural or man-made disaster events. Each one of these components is equally essential to create a safer society.

The goal of creating the Department of Public Safety is to promote a security system that is more effective, efficient, and functional, and that works in an integrated manner and with other agencies of the Government of Puerto Rico. It is necessary to have a Department that addresses issues at their root and adheres to the pillars of security in a comprehensive manner, while trying to achieve synergy between the government bodies attached thereto in order to maximize the efficiency of the operations of the Government of Puerto Rico.

The creation of this Department also seeks to make a better use of the fiscal and human resources by merging the efforts, work, and collaboration of seven (7) government agencies into one single public security component. Likewise, the creation of the Department of Public Safety shall grant powers only to a single official, its Secretary, whose mission shall be to coordinate the efforts of all bureaus attached thereto for the purposes of providing protection, as well as investigating and/or preventing criminal activity or emergency situations in Puerto Rico, and to work in an integrated manner with the various components of the United States Homeland Security.

The Government of Puerto Rico needs to make comprehensive and radical changes to address one of our most significant and pressing issues today, our safety. Public safety affects every aspect of the economy, society in general as well as every citizen who lives on this Island.

For the last fifteen (15) years, the Government of Puerto Rico has not been able to comply with the Work Plan drafted to fight crime, manage national emergencies, and provide a joint response with all security components. It has not even been able to have significant achievements or develop a strategy. Our citizens have lost their faith and trust in the agencies concerned with public safety. It is impossible to tell apart the prisons in Puerto Rico, since law abiding citizens live behind bars every day in their own homes, vulnerable to the criminals that may disrupt the peace of their homes and cause them suffering and serious bodily harm.

In view of this serious situation, we have the duty, commitment, and integrity to restore the faith and trust in the Government that this society affected by crime deserves and expects. Through this Act, we consolidate most of the administrative duties of the seven (7) Bureaus into the Department of Public Safety, thus allowing the Bureaus to focus on their operations and be able to render better services to the citizenry.

**PUBLIC SAFETY CONCEPTS, THE SECRETARIAT FOR
MULTIDIMENSIONAL SECURITY OF THE ORGANIZATION
OF AMERICAN STATES**

Public safety is a right that the State must guarantee to all inhabitants, citizens, and foreigners (residents and tourists) so they may enjoy life and exercise all their rights peacefully without being subjugated by third parties. If the aforementioned were to happen, the people should have the certainty that the State shall use all of its components against those who do not abide by the established norms, so as to protect the victims. The State shall also provide care promptly to anyone who needs emergency services.

The lack of safety is an ever increasing issue that affects all societies around the world and it is linked to extreme poverty, the lack of education, the lack of opportunities, and most definitively to social inequality. It is believed that a more

just distribution of wealth, an education based on values, and a greater number of police officers who are well trained in the appropriate and responsible discharge of their duties, with wages that are in proportion to the risks they face, and prisons where the inmate population is provided with an education and training that enables it to reenter society effectively after having served their sentences, are the best measures to improve public safety.

Urban sprawl, the freedom of thought, action, and movement enjoyed by most people, and access to information through various media outlets and to the multiplicity of goods and services that the population may potentially want are some structural, and to some extent, positive characteristics of modern life.

However, emergent realities also lead to new and complex issues such as violence and crime. Not only is the lack of public safety one of the main threats to civilized and peaceful coexistence, but it also challenges the consolidation of democracy and the rule of law.

Criminals are also employing the tools provided by modern society, to wit, they are using more technology thus improving their organization abilities and, in many cases, resorting to more violence in the commission of crimes. We are living haunted by violence and frightened by the murders which are mostly linked to narcotics trafficking. Citizens feel that they are at the mercy of criminals who not only have a lack of respect for human life, but also subject us to thefts, kidnappings, sexual abuse, and violence in our homes, taking advantage of the government's fractured response which, in many cases, leads to inefficiencies that result in delays, a lack of security, and even impunity.

This issue calls for our utmost effort in developing immediate and effective responses that are consistent with the great advances made in democracy and that respect human rights.

STATUS OF PUBLIC SAFETY AGENCIES

At present, there are concerns with regard to the organizational leadership of our government's Public Safety agencies and how these officials are appointed to leadership positions. The ability, knowledge, experience, training, and certifications needed to fill such positions are being questioned. The approach of objectively observing the organizational chart of these agencies, where the issues have not been addressed at the root, has been overlooked. This Legislative Assembly is committed to building a new Government based on the professionalization of our human resources and the transformational leadership. The transformation of our government entails the reinvention of our organizational culture, and the vision, commitment, and attitude of the leadership itself so as to promote and allow for a successful outcome. Transformational leaders are those who encourage their employees to explore new and better ways to do things, thus promoting proactivity, productivity, and commitment to the organization.

Before the Agreement for the Sustainable Reform of the Puerto Rico Police Department, agencies such as the Puerto Rico Police Department trained their human resources to carry out specific duties and then transferred them to other units and areas to discharge duties for which they were not trained and where the employee's skills were not capitalized on. Similarly, we have emergency response agencies that are compelled to spend a substantial portion of their resources on administrative matters. All of the foregoing results in unstable and inefficient operations. For example, unnecessary trainings are repeated throughout the year in the different agencies, while other necessary trainings are not provided. This leads to unjustified excessive operational spending that yields no results. Even worse, we create a hostile work environment where employees do not feel valued, are victims of the uncertainty caused by these bad practices, and are discharging duties for which they have not been trained. Under these circumstances, our public servants are not able

to render the quality service that the People demand and deserve. All of the aforementioned leads to an unmotivated workforce that may not perform to the best of its abilities. It is essential that we use our resources in the most effective and efficient manner possible in order to improve employee performance and the security services that they render to the citizenry.

A NEW VISION - OUR FIRST LINE OF DEFENSE

It is in light of all of the foregoing that the administration of the security and emergency response components of the Puerto Rico of the 21st Century requires a comprehensive approach. In order to address present and future risks and threats, Puerto Rico must capitalize on its security and protection resources; first, by consolidating its efforts and inserting itself into the homeland security and, second, by developing the means to professionalize its security and emergency response personnel to work as a team, operate as a whole, and to maintain their knowledge and expertise up to date.

In order for this goal to become a reality and to render security services of the highest quality to our society, the creation of the Department of Public Safety (DPS) as an entity comprising the main agencies that constitute Puerto Rico's public security component has been deemed necessary.

This initiative is based on our firm commitment to developing a strategy that encompasses and applies to all aspects of security, and works in an integrated manner with all other agencies of the Government of Puerto Rico. There is a firm commitment to develop an Initiative that:

- Is comprehensive and addresses the root of the problem;
- Adheres to the pillars of security in a coherent manner and meets the requirements of the Police Reform;
- Renders the security component more efficient and effective where resources are allocated in a more comprehensive and efficient manner;

- Works with public safety in a comprehensive manner and provides the Public Safety System with direction, organization, and commitment to restore the public's trust as well as build a society free of crime and violence;
- Seeks to achieve synergy between the entities attached thereto so the services are rendered in a complementary manner and for the benefit of the People;
- Maximizes the operations of the Government of Puerto Rico and better employs the fiscal, administrative, and human resources;
- Unites the efforts of all the government agencies concerned with safety under a single service component that shall render such services with commitment, ability, and excellence to improve our society;
- Guarantees the continuous offering of multidisciplinary training on the different areas of public safety that capitalizes on existing resources and allows the employees of the various components to benefit from partnerships with the private sector and other government entities, including federal intelligence agencies.

Our goal is to acknowledge that today's Puerto Rico calls for fundamental changes based on strategies that have been researched and analyzed. We want to make profound and radical changes in order to address the public safety which is one of Puerto Rico's most critical and even emblematic problems, and affects all aspects of the economy and every citizen residing on the Island.

The DPS and the Public Safety Training and Development Center shall have the duty to achieve the following specific objectives:

1. A new Image, and Radical and Transformational Innovation focused on rendering direct services to citizens with integrity and ethically, under the new organizational vision, mission, and values of the DPS.

2. Proper education that centers on the professionalization and training of all DPS personnel. The new Public Safety Training and Development Center shall have certified instructors for each knowledge area relevant to the work of each Bureau including instructors certified under the parameters of the Police Reform and other resources of the highest caliber, including the possibility of acquiring and/or expanding teaching resources through agreements entered into with federal law enforcement institutions as well as public or private educational institutions.

3. A complete evaluation of the allocation of fiscal resources together with an effort to increase the collection of revenues and federal funds.

4. Institutionalizing the comprehensive plans devised to address crime and public safety, and protect life and property in order to ensure that such plans take into account the preparation, response, recovery, and mitigation phases.

5. Digitalizing and interconnecting all administrative, operational, and intergovernmental processes using technology to modernize public safety.

6. Planning a DPS that communicates, is transparent, motivated, transformational, and concerned about the morals, integrity, and best interests of the employees thereof.

7. Optimizing the use of government resources to ensure that the efforts of our public servants yield a better rendering of direct services to the People. In doing so, we shall be able to respond faster to emergency calls, prevent more disasters, and even if it is impossible to prevent them, we shall be able to save more lives with a fast and efficient response from the security team resulting from all of its components working in an effective and coordinated manner.

8. Ensuring that all of the residents of Puerto Rico feel at ease given that the Government has a unified strategy to ensure their safety, investigate crime, provide emergency assistance, and ensure their wellbeing in the broadest sense.

DEPARTMENT OF PUBLIC SAFETY (DPS)

In order to face the challenges posed by crime, violence, and emergencies in Puerto Rico, our public safety instrumentalities at the state level need to be reorganized, reformed, modernized, and strengthened to increase their capacity, efficiency, and effectiveness. Reforming and modernizing the public safety agencies is a pressing need. We have to implement the umbrella model, which has proven to be successful at the federal level and in other state jurisdictions, as the backbone of the Island's public safety system. It is important that the safety efforts are made in a coordinated manner and that the different government components work in tandem to guarantee the general wellbeing and the public safety. There is only one Government and it should operate as such, as a machine with all components working together to achieve a common goal.

This Act creates the Department of Public Safety and merges the services that used to be provided by: the Puerto Rico Police, the Firefighters Corps, the Medical Emergency Corps, the Emergency Management and Disaster Administration Agency, the 9-1-1 Emergency System, the Institute Forensic Science, and the Special Investigations Bureau (SIB). We also guarantee centralized access to all information systems from various sources and agencies.

The DPS shall achieve the following:

- To improve public safety.
- To reduce the crime rate.
- To have an avant-garde model for all Public Safety components.
- To optimize the administrative and fiscal efforts.
- To build a Puerto Rico of compliance, safety, and law and order.
- To respond effectively to the changes in public safety and citizen expectations.

- To reduce costs and increase efficiency.
- To improve the rendering of public services and the results thereof.
- To ensure the communication, cooperation, and interconnection among all security components of the Government of Puerto Rico.
- To capitalize on the potential of Information and Communications Technology.

Therefore, this Legislation seeks a radical transformation of the Government's security transactions under a single department, whose main mission shall be to prepare, prevent, defend, and protect our island, and its residents. The creation of the DPS is one of the most important steps in the Governor's strategy within the Plan for Puerto Rico. With this legislative piece we begin to build a new Puerto Rico that is safer for our children and grandchildren.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

CHAPTER 1: DEPARTMENT OF PUBLIC SAFETY

Section 1.01.- Title.

This Act shall be known as the "Puerto Rico Department of Public Safety Act."

Section 1.02.- Definitions.

For purposes of this Act, the following terms shall have the meanings set forth below, unless the context clearly states otherwise:

(a) "Firefighter" - Means a member of the Firefighters Bureau who is duly trained and directly performs duties aimed at ensuring the protection of citizens against fires, preventing and combating fires, saving lives, and determining the origin and cause of a fire. This definition includes firefighters who serve as Inspectors.

(b) “DISCO” - Means the Office of Drivers Services as defined and legislated under Act No. 22-2000, known as the “Puerto Rico Vehicle and Traffic Act,” as amended, and/or any other office or body that may substitute it in the future.

(c) “Governor” - Means the Governor of Puerto Rico.

(d) “Department” or “DPS” - Means the Department of Public Safety created in this Act.

(e) “Board” - Means the Medical Evaluation Board created in this Act.

(f) “Police” - Means a public official of the Police Bureau who is duly trained to perform the duties of a law enforcement officer in accordance with the Regulations of the Police Bureau. It only includes the personnel performing duties directly related to criminal investigations, maintenance of public order, and the protection of the citizen’s life and property in accordance with the Police Bureau Regulations.

(g) “Reform” or “Police Reform” - Means the Agreement for the Sustainable Reform of the Puerto Rico Police Department entered into between the United States, the Government of Puerto Rico, and the Puerto Rico Police. This definition includes any future amendment or related order issued by the United States District Court for the District of Puerto Rico.

(h) “Secretary” - Means the Secretary of the Department of Public Safety.

(i) “Emergency Medical Technician” - Means the person authorized by the Secretary of Health who has been trained in the phases of emergency medical technology, including, but not limited to, communications, patient emergency care, maintenance of work equipment, emergency room techniques and procedures; patient management and transportation, knowledge of obstetric procedures, and assistance in respiratory and cardiac emergencies.

Words used in the present tense include the future and words importing the masculine gender shall include the feminine, except where such construction would be absurd. Words importing the singular number include the plural and vice versa.

Section 1.03.- Department of Public Safety.

The Department of Public Safety is hereby created and its duties shall include, but not be limited to, the following:

(a) To reorganize, reform, modernize and strengthen our public safety instruments at the state level in order to increase their capacity, efficiency, and effectiveness.

(b) To effectively integrate all services offered by the Department and the Bureaus thereof.

(c) To operate as the first line of defense focused on crime prevention, addressing emergencies, and protecting the people.

(d) To prevent abuse and protect the rights and liberties of the people in order to build a solid foundation with society's full confidence.

(e) To coordinate all government and private sector resources to provide all services required before, during, and after an emergency swiftly and effectively to protect the life and property of the people.

(f) To coordinate all of the Department's services with the Municipalities and the safety agencies thereof.

(g) To protect the life and property of all citizens.

(h) To coordinate with federal public safety agencies in order to maximize resources.

Section 1.04.- Department of Public Safety; Authority.

The office of Secretary of the Department of Public Safety is hereby created to be appointed by the Governor with the advice and consent of the Senate of Puerto Rico. The Secretary shall hold office at the discretion of the Governor.

The Governor of Puerto Rico shall have supreme authority with respect to the direction of the Department of Public Safety, but the administration and immediate supervision of the organization shall be delegated to the Secretary of Public Health.

Section 1.05.- Duties and Powers of the Secretary.

The powers and duties of Secretary shall include, but shall not be limited to:

(a) Have authority over the hierarchy, administration, and immediate supervision of the Department of Public Safety.

(b) Establish bylaws for the functional organization of the Department and its components.

(c) Establish the chain of command in the event of the Secretary's absence, disability, or death.

(d) Designate an Assistant Secretary of Administration who shall guarantee effective communication between the Department and the bureaus, as well as assign functions as appropriate.

(e) Designate personnel as necessary to effectively achieve the purposes of this Act.

(f) Act as the direct liaison between the Governor and the Department of Public Safety.

(g) Develop public safety and emergency management policies as well as recommend actions, programs, and strategies to the Governor in order to develop such policies.

(h) Plan, organize, supervise, coordinate, administer, direct, and control all activities developed in the Bureaus created by virtue of this Act.

(i) Ensure that the personnel of the Department and its bureaus is highly trained in the fields of investigation, public safety, and citizen protection.

(j) Manage and supervise managerial and fiscal services of each Bureau, among others.

(k) Apply the laws, rules, regulations, memoranda of understanding, and directives germane to the services rendered by each of the Bureaus.

(l) Administer the budget allocated to the Bureaus to render their services and the projections thereof.

(m) Adopt rules and regulations as are necessary to carry out his duties and achieve the highest quality in the services offered to the citizenry.

(n) Adopt internal bylaws as are necessary to guarantee the operations of the Department and to integrate and offer all of its services effectively.

(o) Adopt rules and regulations as are necessary to establish the recruit requirements, as well as the obligations, responsibilities, and conduct of the Department's personnel.

(p) Establish through bylaws all that pertains to the hiring the members of the Medical Evaluation Board and the procedures thereof.

(q) Establish the public policy on state and national safety, emergencies, disasters, and criminal investigation in conjunction with the Governor.

(r) Implement the public policy established by the Governor on state and national safety, emergencies, disasters, and criminal investigation.

(s) Integrate the local security system with national security system of the United States.

(t) Develop and implement State Plans including: Anti-crime Plan, Natural Disasters Plan, Catastrophe Plan, Continuity of Operations Plan, Mitigation Plan, and any other plan required by state or federal regulations.

(u) Advise the Governor on the Department's regulations, processes, and actions.

(v) Coordinate with federal agencies to guarantee the public safety of the People of Puerto Rico.

(w) Award medals for valor as provided by Regulations.

- (x) Establish the Band of the Department of Public Safety.
- (y) Establish the Chaplain Corps of the Department of Public Safety.
- (z) Exercise any other powers as are necessary for the adequate operations of the Department insofar as such powers are not inconsistent with this Act.

Section 1.06.- Composition.

The Department of Public Safety shall be composed of seven (7) bureaus:

(a) The Puerto Rico Police Bureau, which shall be the successor of the Puerto Rico Police created under the Act No. 53-1996, as amended, known as the “Puerto Rico Police Act.”

(b) The Bureau of the Firefighters Corps, which shall be the successor of the Firefighters Corps created under the Act No. 43 of June 21, 1988, as amended, known as the “Puerto Rico Firefighters Corps Act.”

(c) The Forensic Science Bureau, which shall be the successor of the Institute of Forensic Sciences created under the Act No. 13 of July 24, 1985, as amended, known as the “Puerto Rico Institute of Forensic Sciences Act.”

(d) The Emergency Management and Disaster Administration Bureau, which shall be the successor of the Emergency Management and Disaster Administration created under the Act No. 211-1999, as amended, known as the “Commonwealth of Puerto Rico Emergency Management and Disaster Administration Agency Act.”

(e) The Bureau of Emergency Medical Service Corps, which shall be the successor of the Medical Emergency Corps created under the Act No. 539-2004, as amended, known as the “Medical Emergency Corps of the Commonwealth of Puerto Rico Act.”

(f) The 9-1-1 Emergency System Bureau, which shall be the successor of the 9-1-1 Service Government Board created under the Act No. 144-1994, as amended, known as the “9-1-1 Calls Act.”

(g) The Special Investigations Bureau, which shall be the successor of the Special Investigations Bureau provided in Chapter III of Reorganization Plan No. 5-2011, known as the “Reorganization Plan of the Department of Justice of 2011.”

Section 1.07.- Transfer of Employees.

All the personnel of the Bureaus stated in Section 1.06, including the Heads of Agencies shall be transferred to the Department of Public Safety. The provisions of this Act shall not be used as grounds for dismissing any employee holding a career position. Personnel shall be assigned in accordance with the applicable administrative statutes, rules, and regulations. Likewise, any personnel transaction shall comply with the provisions of Act No. 8-2017, known as the “Government of Puerto Rico Human Resources Administration and Transformation Act.”

Transferred employees shall retain all vested rights in accordance with the laws, rules, and regulations applicable to them, as well as the privileges, obligations, and status with respect to any existing pension, retirement, or savings and loan fund system established by law, in which they were enrolled prior to the approval of this Act. Transferred personnel who is part of an appropriate bargaining unit certified by the Public Service Appeals Commission shall retain such right.

This personnel transfer is exercised in accordance with the authority to reorganize Executive Branch agencies and due to service needs; therefore, it shall not constitute an unlawful employment practice or a violation of collective bargaining agreements.

Section 1.08.- Transfer of Equipment and Property.

As of the effective date of this Act, all of the real and personal property, documents, records, materials, equipment, and funds appropriated to the agencies that have become Bureaus of the Department of Public Safety, shall be transferred to the Department. However, any personal property acquired through federal funding

shall be used only for the purposes established in the federal law or regulations under which said funding was granted.

The Secretary shall prepare, request, process, receive, formulate, and exercise control over the Bureaus' budgets as well as determine the use and control of equipment, material and all the property transferred.

Section 1.09.- Transfer of Authority

The powers, duties, and authorities that were exercised by the respective Heads of Agencies as part of their organic acts, whose instrumentalities have become Bureaus of the Department shall fall exclusively on the Secretary as of the effective date of this Act, unless this Act expressly assign any such powers, duties and authorities to a Commissioner. Likewise, the services previously rendered by the agencies that are now part of the Department shall be rendered by the Bureaus, except for administrative and any other functions assigned exclusively to the Department under this Act.

Section 1.10.- Offices of the Department and Duties

The Department shall have, among others, the following Offices:

- a. Administrative Services Office, which shall address issues relating to the budget and human resources.
- b. Federal Affairs Office.
- c. Legal Advice Office.
- d. Communications Office.
- e. Security Information Management Office.

Subject to the approval of the Office of Management and Budget, the Secretary may establish any other divisions or subdivisions as are necessary for the adequate operations of the Department. The duties and authorities of the Department's internal offices shall be prescribed by regulations to be promulgated by the Secretary for such purposes.

Section 1.11.- Public Safety Training and Development Center; General Provisions

The Public Safety Training and Development Center is hereby created, which shall be under the supervision of the Secretary and have the following functions:

(a) To centralize all training operations in a primary center focused on maximizing the Department's resources and keeping secondary facilities as are necessary in accordance with the nature of the training to be offered.

(b) To develop an education process for the Department's personnel.

(c) To promote compliance with the Agreement for the Reform of the Police.

(d) To coordinate and offer ongoing training to the staff of the different Bureaus.

(e) To instill in the Department's staff the highest moral values, discipline and professionalism.

(f) To promote educational agreements and conferences inside and outside of Puerto Rico.

(g) To educate professionals in the field of public safety offering the latest techniques and a deep understanding of the issues that affect human behavior.

(h) To offer courses fully integrating technology and how to make use thereof to advance the functions of the Department in benefit of society.

(i) To be in charge of the administration of the Bureaus' Professionalization Programs. Likewise, it shall be in charge of the Bureaus' Academies, which shall be integrated to and be part of the Public Safety Training and Development Center.

(j) To coordinate trainings in benefit of the staff of the different Bureaus created herein.

(k) To establish specialized training for the different areas of the seven (7) Bureaus with the assistance of external and internal sources.

(l) To promote among its members basic principles of respect to human dignity and the freedoms of a democratic society seeking that they become agents of social change for Puerto Rico.

(m) To maximize activity in the Academies' facilities, and through partnerships, seek to obtain the highest performance of educational centers.

(n) To charge for offering training to persons foreign to the Department and its Bureaus, as provided by regulations.

(o) To carry out any other duty assigned thereto by the Secretary that is consistent with the objectives of this Act.

Section 1.12.- Medical Evaluation Board; General Provisions

The Department shall have medical advisors to collaborate and provide advice regarding medical and emergency aspects of the officials and components. They shall also provide medical advice with respect to employees in order to establish a public policy on medical help that emphasizes the emotional stability and mental wellbeing. This office shall be the working unit in charge of advising the Secretary on the public and administrative policy on the health of the human capital of the Department.

Among the duties and responsibilities of the Medical Evaluation Board are the following:

(a) To evaluate and make recommendations regarding the applications for physical disability retirement filed by the employees of the Department.

(b) To make medical evaluations of police officers, firefighters, and emergency medical technicians that are authorized to work by the State Insurance Fund Corporation for the purpose of determining whether they may return to duty or need some type of accommodation.

(c) To evaluate all candidates for police officer, firefighter, and emergency medical technician to determine their abilities and physical condition. This evaluation may include laboratory tests, x-rays, psychological evaluations, or any other diagnostic method generally accepted by the medical community.

(d) To provide counseling to employees who are victims of violence in the performance of their duties, are facing domestic abuse, or in a situation that affects their emotional stability, productivity or ability to perform the duties of their office.

This Board shall be composed of:

- (a) a general practitioner,
- (b) an occupational medical physician,
- (c) a registered nurse,
- (d) an industrial or occupational psychologist,
- (e) a social worker,
- (f) a psychiatrist.

In order to achieve the most efficient use of the resources, for each of the positions in the Board, the Secretary shall identify internal resources and, if there is no personnel with the necessary and required characteristics, he shall determine whether to fill such positions with a full-time employee, part-time employee, or through a professional services contract.

Section 1.13.- Puerto Rico Executive Safety Committee

The Puerto Rico Executive Safety Committee is hereby created. This Committee shall be composed of the Secretary of the Department of Public Safety, the Assistant Secretary of Administration, the Executive Director of the Office of Management and Budget or his representative, the Secretary of Justice or his representative, and seven (7) Advisory Members.

To comply with the purposes of this Act, the Committee shall design, implement, test, and adjust the Department's administrative, fiscal, and information systems so it operates efficiently. This Committee shall be attached to the Office of the Governor.

The Committee's advisory members shall be appointed by the Secretary who shall identify from within the public service, individuals of recognized standing and expertise in the different areas that compose the Department.

This Committee shall be chaired by the Secretary of the Department who may select a member to serve as Executive Director.

The Puerto Rico Executive Safety Committee shall operate with the same budget appropriated to the Department of Public Safety until the Governor determines that the Department and its Bureaus are fully integrated.

Section 1.14.- Duties of the Puerto Rico Executive Safety Committee

1. To achieve the full integration of the agencies that constitute the Department.
2. To design the fiscal system and the operational guidelines that shall allow for the administration of the financial resources as well as to ensure the efficient transition of the federal funds allocated to the agencies that constitute the Department.
3. To draft the operational guidelines for the evaluation and placement of newly-hired and existing personnel.
4. To assist the Secretary of the Department in the prompt integration of the various Bureaus.
5. To assist the Secretary of the Department in the drafting and implementation of the new regulations, as are necessary for the efficient operation and sound administration.

6. To assist the Secretary of the Department in the design and implementation of a training program for the employees thereof.

7. To design and implement a personnel evaluation system for the Department, based on objective criteria for measuring effectiveness, performance level, and productivity in the discharge of their duties.

8. To identify any amendment or legislation that is deemed necessary to improve the Department's operations.

9. To evaluate the distribution of the operating regions of the Bureaus in order to recommend their creation, consolidation, reorganization, or elimination to achieve uniformity eventually across all the Bureaus and regions.

10. To adopt any bylaws as necessary for the operations of this Committee.

11. To draft a detailed progress report every sixty (60) days to be submitted to the Office of the Governor and the Office of the Clerk of the House of Representatives and the Office of the Secretary of the Senate of Puerto Rico.

12. To analyze the programs of each agency and recommend to the Secretary any changes to the structures of the programs and accounts, in conjunction with the Office of Management and Budget, so as to guarantee the availability of all federal funds and other special funds.

13. To make an inventory of all the real and personal property of the agencies that shall become the Bureaus of the Department.

Section 1.15.- Security Information Management Office

The Security Information Management Office is hereby created in the Department of Public Safety. Such Office shall be responsible for the policy on communication between Bureaus and shall ensure system interoperability and data sharing. Moreover, it shall have the duty and obligation to facilitate and grant the Bureaus access to the information systems and to interconnect them to such systems

so they can serve as a tool in the fight against crime and to ensure the public safety by furnishing information simultaneously to the Bureaus when they so warrant.

The Security Information Management Office shall have, without it being understood as a limitation, the following duties:

(a) To guarantee the Bureaus' access to information and the ongoing and immediate transfer of such information between them so that each may be able to fulfill the duties, obligations, and functions imposed herein.

(b) To establish communications systems that allow for the efficient operation of the DPS and its Bureaus and that also allow for and facilitate interagency communication during emergency and disaster situations.

(c) To serve as a liaison with federal agencies to coordinate and share information between the different federal and state databases.

(d) Any other duty that the Secretary may delegate thereto through regulations.

Section 1.16.- Security Information Management Office; Access to the Information of other Agencies

The Office shall seek the broadest access to all of the databases of the local agencies that are pertinent to the duties of the DPS, to the databases of U.S. intelligence agencies, international intelligence agencies, and to any other as consistent with the purposes of this Act. The Office shall safeguard the confidentiality of the information contained in the databases and shall only allow access thereto and the sharing thereof between authorized personnel.

The Department of Transportation and Public Works and the Department of Corrections and Rehabilitation (DCR) shall grant free of charge the Security Information Management Office broad access to their intelligence and information systems, and to their databases. In addition, the DPS is empowered to enter into those

interagency agreements as are necessary to gain broad access to other databases and information systems that help further the purposes of this Act.

The Security Information Management Office shall have access to and/or manage, without it being understood as a limitation, the following information systems and databases:

1. The DAVID+ System;
2. Integrated Criminal Registry (ICR);
3. Firearms Registry;
4. 9-1-1 System;
5. Fussion Center;
6. Autoexpreso System;
7. Intelligence, Information Technologies, and Database Systems of the DCR;
8. Credentialing Systems;
9. Geographic Information System (GIS).

Notwithstanding the foregoing, the information systems and databases of the Forensic Science Bureau and the Special Investigations Bureau shall be kept separate and independent from the rest of the bureaus that constitute the Department, in order to guarantee the confidentiality and purity of the investigations.

Section 1.17.- Uniforms

Each Bureau shall establish the dress code, the uniform, and/or the equipment to be used by their personnel through their Bylaws.

Natural or juridical persons are hereby prohibited from engaging in the manufacturing, distribution, sale, or use of a uniform or part thereof, that is similar to or the same as the one prescribed by the Puerto Rico Police Bureau, the Bureau of the Puerto Rico Firefighters Corps, and the Bureau of the Medical Emergency Corps with regard to the color and combination of the outerwear, or of equipment,

including the design, color, and insignia of motor vehicles without previous authorization of the Secretary.

Any person who violates the provisions of the preceding paragraph shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of up to five thousand dollars (\$5,000) or imprisonment for a term not to exceed six (6) months, or both penalties at the discretion of the court.

Section 1.18.- Compensation for Death in the Line of Duty

The Secretary shall disburse to the surviving spouse, or in the absence thereof, to the dependents of the employee who has fallen in the line of duty, an amount corresponding to twelve (12) monthly payments of the gross salary earned by the employee to cover urgent family needs. In addition to said payment, the Secretary is authorized to defray the funeral expenses of an employee who has fallen in the line of duty up to a maximum of two thousand dollars (\$2,000).

These benefits shall be processed regardless of any other compensation or benefit to which the spouse or dependents of these public servants are entitled.

Section 1.19.- Municipalities; Assistance and Hospitalization

It shall be the duty of the municipalities to provide, at their hospitals and free of charge, appropriate medical care and hospitalization services as well as the necessary medications, as prescribed by a physician for their treatment, to the members of the Puerto Rico Police Bureau and the Bureau of the Puerto Rico Firefighters Corps and to their spouses and minor children, or children younger than twenty-one (21) years of age who are enrolled in a postsecondary institution, and to other dependents with disabilities. Likewise, all of the hospitals and clinics of the Government of Puerto Rico shall render such services at no cost when so requested by the aforementioned persons and shall dispense prescriptions and issue certifications as are necessary. The benefits provided in this Section shall also be

applicable to the members of the Puerto Rico Police Bureau and the Bureau of the Puerto Rico Firefighters Corps who have retired upon completing twenty-five (25) years of honorable service.

In the event that the persons to whom these benefits are granted are enrolled in a prepaid health insurance plan, the state or municipal institution that provides them with any healthcare service may bill said health insurance plan for such services rendered, thus exempting the person in question from the payment of the corresponding copayment.

Section 1.20.- Rulemaking Authority

The Secretary is hereby empowered to promulgate regulations as are necessary to attain the purposes of this Act.

The regulations approved by the Secretary hereunder, except for those related to the internal operations and administration of the agency, shall meet the requirements of Act No. 170 of August 12, 1988, as amended, known as the “Uniform Administrative Procedures Act.”

CHAPTER 2: PUERTO RICO POLICE BUREAU

Section 2.01.- Puerto Rico Police Bureau; Creation and Purpose

A law enforcement civil body to be known as the “Puerto Rico Police Bureau” is hereby created in the Government of Puerto Rico. The Bureau shall be attached to the Puerto Rico Department of Public Safety, under the direct and non-delegable supervision of the Secretary of Public Safety. The Bureau shall have the duty and obligation to protect persons and property, maintain and keep the public order, pursue and procure the fullest protection of the civil rights of the citizens, prevent, discover, investigate, and persecute crime and, within the scope of its authority, compel obedience with the laws and municipal ordinances, as well as the regulations promulgated thereunder.

Section 2.02.- Puerto Rico Police Bureau; Authority

The Governor of Puerto Rico shall have supreme authority with respect to the direction of the Puerto Rico Police Bureau; however, the administration and immediate supervision thereof shall be delegated to the Secretary of the Puerto Rico Department of Public Safety.

The office of Commissioner of the Puerto Rico Police is hereby created who shall be in charge of the daily operations of the Puerto Rico Police Bureau. The Commissioner shall be appointed by the Governor of Puerto Rico with the advice and consent of the Senate of Puerto Rico and shall hold office at the discretion of the Governor.

The Commissioner of the Puerto Rico Police shall prescribe, by regulations, the chain of command in the event of his absence, disability, or death.

Section 2.03.- Definitions

For the purposes of this Chapter, the following terms shall have the meaning expressed below, unless the context clearly indicates otherwise:

(a) “Commissioner” or “Commissioner of the Puerto Rico Police” - Means the Commissioner of the Police Bureau of the Puerto Rico Department of Public Safety.

(b) “Associate Commissioner” - Means the person appointed by the Commissioner of the Police Bureau with the consent of the Secretary who shall assist the Commissioner under his direction in carrying out his duties of supervising the Police Bureau.

(c) “Assistant Commissioner” - Means the employer designated by the Commissioner to direct any of the Divisions of the Bureau.

(d) “Bureau” or “Puerto Rico Police Bureau” - Means the Puerto Rico Police Bureau of the Puerto Rico Department of Public Safety.

(e) “AMBER Plan” - Means a state alert to manage child abduction emergencies.

(f) “SILVER Plan” - Means a state alert to manage cases of missing persons who have cognitive disorders.

(g) “Mayra Elías Plan” - Means a state alert issued to notify the location of a hit and run accident and provide any details necessary to allow citizens to furnish information leading to the arrest of the party at fault.

Section 2.04.- Commissioner of the Bureau; Powers and Duties

The Commissioner of the Puerto Rico Police Bureau shall have the following powers and duties:

(a) To ensure observance of due process of law in every regulatory and adjudicative matter in the Puerto Rico Police Bureau.

(b) To ensure compliance with the Police Reform Agreement.

(c) To prescribe by regulations with the consent of the Secretary, the organization and structure of the Puerto Rico Police Bureau, as well as the obligations, responsibilities, and conduct of its members and employees as well as any other matter necessary for the proper operation of the Bureau not delegated to the Secretary.

(d) To determine the location and duties of all members of the Puerto Rico Police Bureau.

(e) To prescribe the rank system to be used by regulations with the consent of the Secretary, and in compliance with the Puerto Rico Police Reform Agreement.

(f) To prescribe the Uniform and equipment of the members of the Bureau by regulations.

(g) To bear firearms for the defense of self and family, even after resigning from office and as long as he can demonstrate mental and moral capacity.

(h) To create and grant bonuses for distinguished and meritorious services as prescribed by the Secretary through regulations.

(i) To develop the implementation of the AMBER Plan, the SILVER Plan, and the Mayra Elías Plan in coordination with the Commissioner of the Federal Communications Commission in Puerto Rico. Moreover, to promote the adoption thereof in the different cable networks and local radio and television stations, until the Federal Communications Commission (FCC) makes it mandatory upon the approval of the pertinent regulations.

(j) To negotiate, with the consent of the Secretary, an agreement with the municipalities to designate municipal police officers who shall provide school surveillance in coordination with the Puerto Rico Police Bureau.

(k) As part of his duties as custodian of public safety, the Commissioner of the Puerto Rico Police shall:

(1) Establish liaisons and work in close coordination with state, federal, and international intelligence agencies to organize and implement joint surveillance efforts in the coastline, airports, and maritime ports as well as to share and exchange the information and data necessary to protect Puerto Rico's borders against drug smuggling;

(2) Promote coordination between state and federal intelligence agencies for the detection of criminal activity, money laundering, and drug and firearm trafficking;

(3) Coordinate action plans and efforts of the government entities engaged in disrupting the drug trade;

(4) Advise the Secretary and the Governor on the mechanisms for disrupting the drug trade destined for the Island, and shall submit an annual report to the Secretary, every January, on the efforts made pursuant to this subsection.

(l) To ensure the establishment and maintenance of a crime registry in Puerto Rico, as well as statistics on reported crimes from each police division of the Bureau to be listed according to the nature and clearance rate thereof. These statistics shall enable the Commissioner of the Puerto Rico Police Bureau to establish strategies that shall allow him to fight crime appropriately, as well as to implement preventive initiatives in areas with higher crime rates. The Commissioner of the Puerto Rico Police Bureau shall prepare a monthly report on the crimes reported, listed according to the nature and clearance rate thereof, to be submitted to the Secretary within the first fifteen (15) days of the following month.

(m) The Commissioner of the Bureau shall adopt a crime statistics collection, compilation, and report model for each division of the Bureau, and criminal statistics shall be listed according to the nature and clearance rate thereof. This model or system shall include mechanisms to ensure that the highest quality control standards are followed for the collection and disclosure of statistical information, including both internal and external annual audits. A copy of the audit reports shall be filed with the Office of the Secretary, as well as with the Clerk of the House of Representatives and the Secretary of the Senate not later than February 1st of each year.

In the case of statistical data on murders/homicides, the Commissioner of the Bureau shall establish a procedure to guarantee that there are no discrepancies in the data collected and reported by the Forensic Science Bureau and the Department of Health.

The Commissioner of the Bureau shall establish the pertinent procedure to ensure that the monthly reports from each police division, and the crime statistics, listed according to the nature and clearance rate thereof are updated and available through the Internet and other means of institutional disclosure so that citizens always have access to such data.

(n) To enter into agreements with municipalities, departments, instrumentalities, and public corporations of the Government of Puerto Rico, with the Secretary's authorization, for the rendering of additional security services insofar as said services do not affect the regular services of the members of the Bureau. The procedure and fee for such services shall be prescribed through regulations.

(o) The Commissioner of the Puerto Rico Police Bureau is hereby empowered to coordinate and create the specialized municipal police divisions provided herein in conjunction with the municipalities; issue the pertinent certifications to the members of these Corps; ratify any Regulations on matters related to the Municipal Police Corps; and ensure compliance with the provisions of Act No. 19 of May 12, 1977, as amended, known as the "Puerto Rico Municipal Police Act."

(p) To exercise any authority or power as is necessary for the proper operation of the Bureau insofar as it is consistent with the provisions of this Act.

The authorities conferred herein may be delegated to any member of the Bureau that the Commissioner determines, except for the rulemaking authority.

Section 2.05.- Associate Commissioner of the Bureau; Powers and Duties

(a) The Commissioner of the Bureau shall appoint an Associate Commissioner, with the consent of the Secretary, who shall assist him in any administrative and supervisory duties. Should the Commissioner of the Bureau be absent or suffer from temporary disability, the Associate Commissioner shall substitute the latter and exercise all of his authorities and powers, and discharge his duties during said absence or disability. In the event that the Commissioner of the Bureau dies, resigns, or is removed from office the Associate Commissioner shall exercise all the authority and powers, and discharge the duties of the former while said vacancy exists.

(b) The Associate Commissioner shall also be in charge of all those matters entrusted to him by the Commissioner of the Bureau which shall allow for the discharge and performance of the duties inherent to said office, including those expressly entrusted by law to the Commissioner of the Bureau. The annual salary to be earned by the Assistant Commissioner shall be fixed by the Bureau with the consent of the Secretary.

(c) The office of Associate Commissioner shall be classified as a trust position and the person appointed thereto shall hold office at the discretion of the Commissioner of the Bureau and with the consent of the Secretary. However, the person holding said office shall provide proof of having earned, at least, a master's degree from a duly accredited university.

(d) The Associate Commissioner may bear firearms for the defense of self and family, even after resigning from office and as long as he can demonstrate mental and moral capacity.

Section 2.06.- Assistant Commissioners

The Commissioner of the Bureau, with the consent of the Secretary, may designate Assistant Commissioners to hold such offices at his discretion. The office of Assistant Commissioner shall be classified as a trust position and the salary thereof shall be fixed by the Commissioner of the Bureau through regulations with the consent of the Secretary, taking into consideration the complexity of the duties assigned. No salary assigned to Assistant Commissioners shall be equal to or higher than that received by the Associate Commissioner.

Section 2.07.- Members of the Police Bureau; Enlistment and Reenlistment

The Secretary shall prescribe by regulations the enlistment and reenlistment requirements of every member of the Police Bureau and shall be empowered to address such issues.

Section 2.08.- Transfers

It shall be the policy of the Bureau to rotate its members in order to train them in the various operating functions thereof. The Commissioner shall have broad powers and discretion to consider and direct the transfer of any of the members of the Police Bureau he deems necessary for the best use and distribution of human resources while ensuring excellence and efficiency in the services rendered.

The Commissioner of the Police Bureau shall be required to temporarily transfer pregnant police officers who so request to the police station nearest to their place of residence upon presentation of a medical certificate attesting to their pregnancy. At the end of the maternity leave to which the police officer is entitled, she shall return to her original work unit, according to the service needs.

All transfers authorized by the Commissioner, except for transfers made at the request of a member of the Bureau, shall be presumed to be made due to a service need.

Section 2.09.- Work Schedule

(a) The Police legal work schedule shall not exceed eight (8) hours a day, nor exceed forty (40) hours a week. Members of the Police who render administrative, executive, and supervisory services, and those who are undergoing training courses offered or sponsored by the Department, shall be exempted from the provisions of this Section. The Commissioner shall be responsible for preparing their respective daily or weekly work schedules and rest days. Other members of the Police who work beyond the work schedule established herein shall be entitled to one and-one half times their rate of pay. Provided, that any member of the Police who works beyond the legal work schedule shall have the option of substituting the cash payment to which he is entitled for the overtime worked, for its equivalent in compensatory time.

(b) The Commissioner of the Puerto Rico Police Bureau shall determine, with the advice of the Secretary, the procedure for authorizing, justifying, and paying overtime. Any request for overtime pay that fails to meet all the requirements set forth in the Regulations, shall be null and void, and payment thereof shall not proceed.

(c) Overtime pay shall be made within a maximum term of forty-five (45) days. Compliance with the term stated above is exempted when the hours worked in excess of the regular workday are rendered in a situation that warrant, for reasons of national security, extraordinary vigilance. The Governor shall determine the existence of such an exceptional situation for the Secretary to be exempt from the established terms.

(d) The income earned on account of overtime pay by a Police officer, as such term is defined in this Act, shall not be included in the gross income and shall be exempt from income taxes.

(e) Members of the police shall be required to work in excess of the legal work schedule established herein in the following cases:

(1) In case of force majeure or emergencies, such as earthquakes, fires, floods, hurricanes, elections, riots, and in any other case declared as such by the Governor.

(2) As determined by the Commissioner of the Police due to service needs and for the benefit of the public service.

(f) The time spent by the members of the police in the courts of justice as witnesses, or summoned through an order to appear officially before any government or municipal official, body, or committee, shall be deemed to be official in nature and shall be computed according to the legal work schedule.

(g) The free- or leave-time that a member of the police devotes to official business of the service shall be deemed as time worked for the purposes of his legal working schedule and the computation of overtime pay; provided, that he presents the corresponding report attesting to his work and intervention.

Section 2.10.- Off-duty Police Officers.

For purposes of any intervention in accordance with the provisions of this Act, the members of the Police Bureau shall keep their status as such at all times and in any place within the jurisdiction of the Government of Puerto Rico, even when they are off duty. To such effect, they shall have all the duties and responsibilities imposed on the members of the Police Bureau under this Act. Notwithstanding these provisions, in their free time, the members of the Police Bureau may engage in any other tasks, trade or profession in the private sector; provided, that said functions are not inconsistent with the objectives and purposes of the Police Bureau under this Act.

Upon previous consultation with the Secretary, the Commissioner shall be empowered to establish in the bylaws the tasks, trades, and professions that, in accordance with the above provisions, the members of the Police Bureau may perform outside of their legal working schedule as well as the maximum hours that they may work, and any other necessary conditions, pursuant to this Act.

The members of the Police Bureau who are authorized by the Commissioner to engage, in their free time, in any other tasks, trade or profession in the private sector that are not inconsistent with the objectives and purposes of this Act, may use their service weapons while performing such duties, insofar as said activities are covered by a liability insurance and attesting evidence of such fact is provided to the Commissioner.

Section 2.11.- Ranks.

(a) The ranks of the members of the Police Force shall be those established administratively in accordance with police best practices and as required by the Agreement for the Reform of the Police.

(b) The Police Bureau shall be constituted into a unified organization system under which the Commissioner, in consultation with the Secretary, may determine the best use of the human resources, as provided in this Act.

(c) The provisions of Act No. 8-2017, known as the “Government of Puerto Rico Human Resources Administration and Transformation Act” with respect to mobility, recruitment, evaluation, transfers, and promotions shall not apply to members under the Rank System.

Section 2.12.- Prohibition Against Organizing Other Police Corps.

No municipality, department, agency, or instrumentality may organize or commission any Police corps whatsoever, except in those cases authorized by the “Autonomous Municipalities Act,” Act No. 81-1991, as amended.

Section 2.13.- Agents of the Puerto Rico Police Bureau; Authorities

The authorities, powers, and functions to investigate delegated to the Puerto Rico Police Bureau under this Act, shall be discharged by the Agents of the Bureau, who shall be empowered to:

- (1) Make accusations;
- (2) Make arrests;
- (3) Execute court warrants; and
- (4) Keep and bear firearms.

Section 2.14.- Undercover Agents; Special Provisions

The Secretary and the Commissioner shall take all the necessary administrative measures to guarantee the safety and the secret identity of the undercover agent and in compliance with the Agreement for the Reform of the Puerto Rico Police Department.

Undercover agents shall only be used to carry out investigations of a strictly criminal nature. Under no circumstance shall a person under eighteen (18) years of age be recruited to perform undercover work.

Section 2.15.- Special Agents

The Governor may increase the size of the Puerto Rico Police Bureau by authorizing the enlistment of special agents for the time he may deem necessary. This enlistment shall be effected by the Secretary according to the provisions contained in the Regulations for such a purpose.

Section 2.16.- Protection of Governor, Superintendent, Officials, Former Officials

(a) The Puerto Rico Police Bureau shall be responsible for providing security and protection to the Governor of Puerto Rico and his family during his term in office.

(b) It shall also be responsible for providing security and protection to the Secretary of Public Safety during his term in office.

(c) Officials or former officials for whom the Police Bureau provides escort, security, and protection services shall only be entitled to such services within the jurisdiction or territory of Puerto Rico, except for the Governor of Puerto Rico.

Section 2.17.- Reservists

(a) The Commissioner may hire, with the consent of the Secretary, any veteran of the Puerto Rico Police Bureau who retired due to mandatory retirement because of age or years of service, under the pension or retirement system created

by virtue of the laws of Puerto Rico, to work in the Puerto Rico Police Bureau as a reservist upon evaluation and certification of the Medical Evaluation Board that he is physically and mentally fit to perform his duties subject to the regulations established by the former and without impairing the pension which said pensioner receives according to the law.

(b) The Commissioner of the Bureau, with the consent of the Secretary, shall establish the working schedule and compensation of reservists, which shall not exceed a fulltime schedule of eight (8) hours nor the maximum salary corresponding to a fulltime employee performing the same duties.

(c) Reservists hired by virtue of the provisions of this Section shall also receive the pension to which they are entitled under Act No. 447 of May 15, 1951, as amended, or under any other pension or retirement system created by virtue of laws of Puerto Rico. To such effects, hired reservists are exempt from complying with Section 1 of Act No. 187 of May 2, 1952, as amended and with Section 4 of Act No. 40 of June 15, 1959, as amended. The hiring of reservists shall not impair any benefit or vested right enjoyed as a pensioner.

(d) The time those persons hired pursuant to this Section have worked as reservists shall not be computed for the purposes of their retirement, nor shall any withholding whatsoever be made on that account.

Section 2.18.- Auxiliary Police

The duties of an Auxiliary Police shall be similar to those of an agent of the Bureau. A citizen who wishes to become an Auxiliary Police shall meet the requirements set forth by regulations. Likewise, the ranks of the Auxiliary Police and the requirement for the granting thereof shall be consistent with the regulations adopted for such purposes.

Once appointed, the candidate shall undergo an initial training according to the program approved by the Secretary who shall establish the insignia to be used by these state officials.

The Auxiliary Police shall be included in the “Law and Order Agent” concept, while performing their duties as such and enjoy absolute protection and benefits provided by law, including the benefits under Act No. 45 of April 18, 1935, as amended, known as the “Compensation System for Work-Related Accidents Act.”

In case of work-related accidents or illness and for the purposes of per diems and compensation payments as such, the corresponding weekly salary shall be estimated according to the minimum wage established by law. The Secretary shall negotiate and pay an annual premium for these purposes to the State Insurance Fund.

Section 2.19.- Rules Applicable to Certain Activities of the Members of the Police.

Given the special nature of the services rendered by the Puerto Rico Police, the following rules are hereby established:

(a) The members of the Police shall not engage in propaganda or in any other activity in favor or against any political party, or candidate for public or political office while on duty or in uniform.

(b) The members of the Police are banned from using or exerting influence to obtain transfers, promotions, or any other personal benefit within the Puerto Rico Police in contravention of the rules established by regulations or by law.

(c) Any member of the Puerto Rico Police may receive, while on duty, discounts in food establishments, provided that such discount is voluntarily offered by the establishment. No member of the Puerto Rico Police shall offer any service in exchange for such discount.

(d) Every member of the Bureau who has been trained on the use and management of firearms, is hereby authorized to use his service weapon and acquire ammunitions to practice in clubs, gun shops, or shooting ranges subject to the regulations to such effect adopted by the Commissioner of the Bureau, with the consent of the Secretary.

Section 2.20.- Disciplinary Measures

The Commissioner shall prescribe by regulations the violations committed by the members of the Puerto Rico Police Bureau that entail corrective and/or disciplinary action. Said violations shall be classified as infractions, minor violations, and serious violations. The regulations shall, in turn, provide the applicable investigation and adjudication procedure as well as the applicable sanctions for each type of violation.

If the member disagrees with a decision of the Commissioner imposing any punishment, he may appeal the case before the Investigations, Prosecution, and Appeals Commission created under Act No. 32 of May 22, 1972. The appeal must be filed on or before thirty (30) days after the notice of the disciplinary action imposed.

The Commissioner shall be empowered to temporarily suspend any member of the Puerto Rico Police Bureau when the conduct of said member of the Puerto Rico Police involves misuse of public funds, if cause for arrest or indictment for a felony has not been found yet, or when there is a reasonable basis to believe that said member poses a serious and significant threat to the health, life, or morale of employees or the citizenry. In such cases, the Commissioner shall file the corresponding administrative charges, which shall be investigated and solved as soon as possible, imposing the disciplinary action deemed appropriate or providing that the person may return to duty if, in his judgment, the facts so justify.

The Commissioner shall be empowered to temporarily suspend without pay any member of the Puerto Rico Police Bureau, upon finding cause for arrest or indictment for the commission of a felony.

When a member is suspended from employment or suspended without pay, he shall be prevented from performing his duties. Furthermore, he may not enjoy the rights and privileges granted to police officers by law while the suspension is in effect.

Section 2.21.- Neighborhood Security Councils; Creation

The Commissioner shall adopt bylaws to establish all that pertains to Neighborhood Security Councils in accordance with the police best practices and the provisions of the Agreement for the Reform of the Police.

The Commissioner shall submit a report to the Secretary at the end of each fiscal year regarding neighborhood security councils by municipality. Likewise, the report shall contain the achievements of the ended fiscal year, as well as the goals and objectives for the next fiscal year.

Section 2.22.- Savings Clause

The Puerto Rico Police Bureau shall be the successor for all legal purposes of the Puerto Rico Police as said body operated under Act No. 53-1996, as amended, known as the "Puerto Rico Police Act."

Any reference to the Puerto Rico Police and/or the Superintendent of the Police in any regulation, Executive Order, or other official document of the Government of Puerto Rico shall be construed as referring to the Puerto Rico Police Bureau created under this Act. Moreover, it shall be construed that any Act that makes reference to the Puerto Rico Police and/or the Superintendent of the Police is hereby amended to substitute same for the Puerto Rico Police Bureau and the Commissioner of the Police Bureau, respectively, in accordance with the provisions

of this Act and insofar as its provisions are not in conflict with the provisions or purposes thereof.

If any doubt arises with respect to the interpretation of this Act, the interpretation that furthers the purposes of the statute and that is consistent with the Agreement for the Reform of the Police shall prevail.

CHAPTER 3: BUREAU OF THE PUERTO RICO FIREFIGHTERS CORPS

Section 3.01.- Bureau of the Puerto Rico Firefighters Corps

A law enforcement civil body to be denominated as the Bureau of the Puerto Rico Firefighters Corps is hereby created in the Government of Puerto Rico. The Bureau shall be attached to the Puerto Rico Department of Public Safety under the direct and nontransferable supervision of the Secretary of Public Safety. The duties and obligations of this Bureau shall include preventing and fighting fires, saving lives, guaranteeing that the citizens in general are appropriately protected against fires, and determining the source and cause of a fire once it has occurred.

Section 3.02.- Bureau of the Firefighters Corps; Authority

The Governor of Puerto Rico shall have supreme authority with respect to the direction of the Bureau of the Firefighters Corps; however, the administration and immediate supervision thereof shall be delegated to the Secretary of the Government of Puerto Rico Department of Public Safety.

The office of the Commissioner of the Bureau of the Firefighters Corps is hereby created to be in charge of the daily operations of the Firefighters Bureau.

The Commissioner of the Bureau of the Firefighters Corps shall be appointed by the Governor with the advice and consent of the Senate. The office of Commissioner of the Bureau shall be classified as a trust position and the person appointed thereto shall hold office at the discretion of the Governor.

The Commissioner of the Firefighters Corps shall prescribe, through regulations, the chain of command in the event of absence, disability, or death of the Commissioner.

The Bureau of the Puerto Rico Firefighters Corps shall be composed of the Commissioner, Captains, Lieutenants, Sergeants, Firefighters, Auxiliary Firefighters, Volunteer Firefighters, and Inspectors. Ranks may be created, eliminated, merged, and modified according to the service needs.

The ranks of Captain, Lieutenant, and Sergeant shall be Career Positions and shall have the duties prescribed by regulations.

Section 3.03.- Definitions

For the purposes of this Chapter, the following terms shall have the meaning stated below, unless the context clearly indicates otherwise:

(a) “Safety, Protection or Fire Extinguishing Equipment or Devices” - Means hoses, extinguishers, hydrants, smoke detectors, alarms, hose nozzles, emergency signs, lights and doors, as well as the valves and pipes of fire sprinkler systems.

(b) “Commercial Establishment” - Means any building, structure, or lot used to retail or sell merchandise, to conduct business transactions or render professional services, including, but not limited to, restaurants, gasoline stations, shops, banks, barbershops, radio stations, television stations, supermarkets, hardware stores, drug stores, doctors’ offices and attorney’s offices.

(c) “Bureau” or “Bureau of the Firefighters Corps” - Means the government body whose duties include preventing and fighting fires, saving lives, guaranteeing that the citizens in general are appropriately protected against fires, and determining the source and cause of a fire once it has occurred, among other duties as provided in this Act.

(d) “Commissioner” or “Commissioner of the Firefighter Corps” - Means the person responsible for the direction of the Bureau of the Firefighters Corps of the Department of Public Safety.

(e) “Personnel of the Bureau of the Firefighters Corps” - Means all the members of the Bureau of the Firefighters Corps whether they are classified by position or by rank.

(f) “Industry” - Means any building, structure, or lot that is used for assembly, production, manufacturing, storage, packaging, or product distribution operations, or where any other industrial process is carried out. These include, but are not limited to, factories, laboratories, printing presses, pharmaceutical facilities, petroleum refineries, petrochemical plants, cereal mills, distilleries, bonded warehouses, thermoelectric plants, nuclear reactors, and installations for the disposal, processing, or storage of toxic or hazardous materials. The definition of “Industry” shall include any agency or corporate instrumentality of the Government of Puerto Rico.

(g) “Inspector” - Means a duly trained firefighter who directly discharges the duties related to fire prevention.

(h) “Hazardous Materials” - Means any substance or material that has been identified as such by the Federal Transportation Department and included under Section 172.101 of Subpart B of Part 172 of Title 49 of the Code of Federal Regulations (49 CFR 172.101), which exceeds the maximum net amount per substance allowed to be transported aboard a cargo aircraft in a single package, as provided in these regulations, and which meets the requirements of hazard type, pursuant to Subparts C through J of Part 173 of Title 49 of the Code of Federal Regulations. Any other hazardous chemicals, as described in Subpart A of Part 370 of Title 40 of the Code of Federal Regulations (40 CFR 370), are also included in this definition.

Section 3.04.- Commissioner of the Firefighter Corps; Duties and Powers

The duties and powers of the Commissioner of the Firefighters Corps shall include the following:

(a) To establish bylaws for the organizational structure of the Bureau of the Firefighters Corps and the chain of command in the event of his absence, disability, or death.

(b) The Commissioner may create, eliminate, merge, and modify any rank as deemed pertinent for the members of the Bureau, and necessary according to the service needs. However, these modifications shall not alter the rights, ranks, compensation, and benefits held by the members of the Bureau of the Firefighters Corps before the effectiveness of this Act.

(c) To adopt through bylaws the uniform to be used by the members of the Bureau, upon previous approval of the Secretary, and any other matters related to the Bureau's operations.

(d) To conduct the investigations and examinations as are necessary concerning the actions of any officer or member of the Bureau, or the manner whereby matters related to prevention and extinguishing of fires are being administered in any district.

(e) To keep a record where all fires and the facts related to such fires are logged, including the statistics related to their extent, the damage they caused, whether the losses were insured and, if so, up to what limits. This record shall be kept daily from the reports rendered by the heads of each district. The aforementioned reports shall be public documents.

(f) To submit a report to the Secretary of Public Safety, not later than the second week of the month of January of each year, with a summary of all the activities carried out by the Bureau throughout the year and the pertinent statistics.

(g) To conduct the necessary investigations to determine the cause and origin of fires, as well as to draft the pertinent reports on these cases, without impairment to the powers of the Puerto Rico Police Bureau and the Department of Justice to investigate cases of arson. If the investigation conducted by the Bureau of the Firefighters Corps shows signs of criminal activity in connection with a fire, the Commissioner shall immediately notify the Puerto Rico Police Bureau and the Department of Justice.

(h) To have absolute command and authority over the cases relating to fires and fire alarms across the Island for the duration of the fire or fire alarm event, and over all devices, equipment, and personnel entrusted to him. From time to time, the Commissioner may issue any emergency orders deemed necessary to apply to the heads of the districts, salaried firefighters, and voluntary firefighters.

(i) To request and receive donations of money and personal and real property from the federal government or from any natural person, public or private entity, be it in a trust or in property, or otherwise. Provided, that donations shall only be used to achieve the objectives of this Act.

(j) To collaborate with and advise those persons who so request it in the preparation of evacuation plans for buildings and structures during a fire or emergency situations and in the execution of drills for such plans.

(k) To adopt rules and regulations for the observance of adequate safety measures, for the means of egress, and for the prevention of fires in sports and recreation facilities, in industries, commercial establishments, schools, hotels, hospitals, buildings devoted to exhibitions, assemblies or public performances, commercial multi-story buildings, as well as in common areas of residential multi-story buildings, thoroughfares, and any other building, structure, or lot not for residential use.

(l) To adopt rules and regulations to establish the maximum occupancy for buildings or structures devoted to exhibitions, assemblies, public performances, or commercial use, for the purpose of establishing adequate safety conditions for the speedy evacuation of their occupants.

(m) To charge for the inspection of buildings, apartments, premises, lots or any private or quasi-public structure in accordance with the regulations established to such effect.

(n) To request and obtain a written notice regarding the presence of hazardous materials in their land, building, or structure from any industry or commercial establishment that uses, stores, or produces hazardous materials. The requested notice must state in detail the type of hazard of each hazardous material, as set forth in 49 CFR 172.101, or in 40 CFR 370, *et seq.*, as well as the place within the facilities of the industry or commercial establishment where such materials are commonly located. Furthermore, the industry or commercial establishment shall inform the exact locations to which they send or where they dispose of their hazardous waste. The requested information shall be evaluated and analyzed periodically by the personnel designated by the person in charge of the Fire Prevention Bureau, and the results of said evaluation and analysis shall be immediately referred to the fire station that services the area where the industry or commercial establishment in question is located.

(o) To inspect the operating conditions of hydrants (fire hydrants) and report the findings to the Aqueduct and Sewer Authority so that the latter may proceed to repair them, as provided in subsection (p) of Section 4 of Act No. 40 of may1, 1945, as amended, and to identify fire-prone communities.

(p) To devise a work plan, in conjunction with the Aqueduct and Sewer Authority, to consistently evaluate, review, and update the information and procedures for the inspection, operation, and maintenance of hydrants (fire

hydrants). This work plan shall guarantee the appropriate preventive maintenance and the immediate repair of any hydrant that so requires it.

(q) To develop a citizen orientation plan on the importance of fire prevention and protection of hydrants.

(r) To conduct inspections as provided in Section 3.06 of this Act.

(s) To impose fines of up to a maximum of ten thousand dollars (\$10,000) for the violation of laws or safety regulations or for noncompliance with the orders, decisions, or determinations issued in accordance therewith.

(t) To order the temporary evacuation of any lot, building, or structure that is not for residential use when it is determined that the violation of the law, and safety and fire prevention regulations constitutes a serious threat to the safety of the persons or property.

(u) To exercise any authority or power necessary for the proper operation of the Bureau provided that it is not in conflict with the provisions of this Act.

Except for the rulemaking authority, the powers granted herein may be delegated to any member of the Bureau as determined by the Commissioner.

Section 3.05.- Volunteer Firefighters

The Volunteer Firefighters Corps is hereby created to serve the Puerto Rican community. It shall be composed of members of the community who shall serve as volunteers. The Bureau shall establish through bylaws the admission requirements, obligations, responsibilities, and conduct of the volunteers.

For purposes of Act No. 45 of April 18, 1935, as amended, known as the "Compensation System for Work-Related Accidents Act," the Volunteer Firefighters shall be considered municipal employees while in the performance of their duties as such. In the event of a work-related accident or illness and for purposes of payment of per diems or compensation as such, the weekly salary shall be estimated based on the salary earned in his regular position or employment. Upon

previous agreement with the Administrator of the State Insurance Fund, the Secretary shall pay an annual premium to the Fund as coverage for the protection of all the Volunteer Firefighters.

Section 3.06.- Inspections

Any member of the Bureau duly authorized by the Commissioner shall conduct the inspections and investigations of lots, buildings, and structures during regular business hours, or at any other time when a particular situation so warrants, to detect any violations of the laws or fire safety, protection, and prevention regulations or the existence of any situation or practice that would potentially lead to a fire or explosion, or that may cause death or bodily harm to a person, or damage a property, as well as to determine the origin and cause of a fire.

The Bureau shall conduct at least one annual inspection of commercial, industrial, and government buildings, as well as of the hotels, hospitals, schools and higher education institutions, sports and recreation sites, and all those buildings devoted to assemblies, exhibitions, or public performances, commercial multi-story buildings, as well as the common areas of residential multi-story buildings. The purpose of this inspection is to detect any violations of the laws or fire safety, protection, and prevention regulations or the existence of any situation or practice that would potentially lead to a fire or explosion, or that may cause death or bodily harm to a person, or damage a property, in order to take the pertinent corrective measures.

In order to conduct the aforementioned inspections and investigations, the Bureau shall have free access to all places where industrial and commercial activities are conducted, to sports and recreation sites, hospitals, schools, hotels, buildings devoted to exhibitions, assemblies or public performances, commercial multi-story buildings and common areas of residential multi-story buildings, as well as any other building, structure or lot that is not residential, for the purpose of gathering

information or verifying investigations regarding the safety of persons, and to ensure strict compliance with those rules and regulations established by the Bureau or the regulations adopted by other Agencies with regard to the maximum occupancy of a place or area, the egress capacity, the means of egress or any other provisions on building fire safety.

Once the inspection or investigation has been conducted, if the Bureau determines that the owner, administrator, person in charge or the occupant of a lot, sports and recreation or industrial site, commercial establishment, hotel, hospital, building devoted to exhibitions, assemblies, or public performances, commercial multi-story building, and common area of residential multi-story buildings, as well as any other building, structure, or lot that is not residential, has violated any provision of law or fire safety or prevention regulation, the Bureau shall notify the person in writing of the nature of the violation and shall establish a reasonable term to correct the stated violation, while taking into consideration the seriousness of the violation and the risk that it poses to the safety of the persons and property. The order so issued shall prescribe the practices, means and methods that the person shall adopt to comply with the laws and regulations in effect and, moreover, shall advise the person that the Bureau may impose the appropriate penalties for noncompliance if the person does not take corrective actions or comply with the order within the established term.

Any person who is adversely affected by an order, determination, or decision of the Bureau may request a reconsideration in accordance with the Regulations adopted to such effect or, in absence thereof, in accordance with Act No. 170 of August 12, 1988, as amended, known as the “Uniform Administrative Procedures Act.”

Any person adversely affected by an order, determination or decision of the Bureau issued in accordance with this Act may request, within thirty (30) days as of the receipt of the notice, a judicial review of such order, determination, or decision pursuant to the provisions of Act No. 70 of August 12, 1988, as amended, known as the "Uniform Administrative Procedures Act."

The filing of a request for review or reconsideration shall not suspend the effects of such order, determination, or decision unless the court so orders upon request of the interested party, upon a hearing and determination that the party against which the determination, order or decision has been issued shall suffer serious or irreparable damages if such suspension is not ordered.

Section 3.07.- Junior Firefighters Corps

The Bureau of the Puerto Rico Firefighters Corps shall organize a Junior Firefighters Corps whose main purpose and goal shall be to educate the greatest number of children and adolescents about fire prevention measures, and to prevent juvenile delinquency by holding sporting, recreational and educational activities that promote the better physical and mental development of our children and adolescents.

The Commissioner of the Firefighters Corps shall prescribe through bylaws the operations of this Corps. The program's expenses shall be defrayed with contributions from the private sector and Department donations and resources, provided that it does not affect its operations.

Section 3.08.- Interagency Coordination; Notification of Violation

The Commissioner or the person to whom he delegates shall make reasonable efforts to coordinate any actions taken under this Act with other government agencies that have jurisdiction over the case, to some extent, for the purpose of avoiding the duplicity of efforts or conflicts during events or with regards to the fire protection requirements that affect the safety of the citizenry in general.

Section 3.09.- Temporary Evacuation

The Bureau may order the temporary evacuation of any non-residential lot, building, or structure when it determines that the violation of the laws and fire safety and prevention regulations constitutes a serious risk to the safety of persons or property. The owner, administrator, person in charge or the occupant of the affected property, or his representative, shall be notified in person of the evacuation order issued under this Section. The temporary evacuation ordered by the Bureau shall not exceed a term of twenty-four (24) hours. Provided, that the Bureau shall be empowered to extend the term of a temporary evacuation order, upon holding an administrative hearing, if the serious risk to the safety of persons or property persists. The aforementioned order shall remain in effect until the stated deficiencies are corrected.

Section 3.10.- Authority to Take Testimonies and Issue Subpoenas.

The Bureau or its authorized representatives shall be empowered to take testimonies, administer oaths, and issue subpoenas for the appearance of witnesses or the production of documentary or any other evidence as necessary to achieve the purposes of this Act.

Section 3.11.- Authority to Petition to Court

The Bureau, in conjunction with the Department's Legal Advisory Office, may petition the Court of First Instance of Puerto Rico to request the enforcement of any order, determination, or decision issued by virtue of this Act.

Section 3.12.- Responsibility

The owners, their representatives, administrators, persons in charge or occupants of lots, buildings or structures subject to the provisions of this Act or to the regulations, orders, determinations, or decisions issued or promulgated thereunder shall be responsible for ensuring compliance with the provisions of this

Act, the regulations thereunder, or of the orders, determinations, and decisions of the Commissioner of the Firefighters Corps.

Any natural or juridical person who refuses entry to the sites stated in this Act, or intervenes in any way with a member of the Bureau of the Puerto Rico Firefighters Corps, who has been authorized to conduct an inspection or investigation, by obstructing the entrance thereto shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed five thousand dollars (\$5,000) or by imprisonment by a term not to exceed six (6) months, or both penalties, at the discretion of the court, if it is the first violation. Any juridical person who is found guilty of noncompliance with the provisions herein shall be punished by a fixed fine of five thousand dollars (\$5,000). Any subsequent violations of this Section shall be classified as a felony and the person, upon conviction, shall be punished by imprisonment for a fixed term of two (2) years. The court, at its discretion, may impose the established fixed term of imprisonment or a fine of five thousand dollars (\$5,000), or both. Juridical persons shall be punished by a fine of not less than five thousand dollars (\$5,000) and not greater than ten thousand dollars (\$10,000) upon conviction, for any subsequent violations of the provisions herein.

Section 3.13.- Savings Clause

For all legal purposes, the Bureau of the Firefighters Corps shall be the successor of the Firefighters Corps, as said entity operated under Act No. 43 of June 21, 1988, as amended, known as the “Puerto Rico Firefighters Corps Act.”

Any reference to the Firefighters Corps and/or the Fire Chief of the Firefighters Corps in any regulations, Executive orders, or other official document of the Government of Puerto Rico shall be understood as referring to the Bureau of the Firefighters Corps created herein. Likewise, it shall be understood that any law that makes reference to the Firefighters Corps and/or the Fire Chief of the Firefighters Corps is hereby amended to be substituted for the Bureau of the Puerto

Rico Firefighters Corps of the Puerto Rico Department of Public Safety and the Commissioner of the Bureau of the Firefighters Corps, respectively, insofar as its provisions are not in conflict with the provisions or purposes thereof.

CHAPTER 4: FORENSIC SCIENCE BUREAU

Section 4.01.- Forensic Science Bureau; Creation and Purpose

A civil body to be nominated as the “Forensic Science Bureau” is hereby created in the Government of Puerto Rico. The Bureau shall be attached to the Puerto Rico Department of Public Safety under the direct and non-delegable supervision of the Secretary of Public Safety.

The Bureau shall have the duty and obligation to conduct scientific and technological investigations for the purpose of determining the cause, manner, and circumstances of death of any person who did not die by natural causes. It shall also conduct any other scientific and technological investigations as are necessary to support other bureaus in the solving and processing of crime.

Section 4.02.- Puerto Rico Forensic Science Bureau; Authority

The Governor of Puerto Rico shall have supreme authority with respect to the direction of the Forensic Science Bureau; however, the administration and immediate supervision thereof shall be delegated to the Secretary of the Department of Public Safety of the Government of Puerto Rico.

The office of Commissioner of Forensic Sciences is hereby created to be in charge of the daily operations of the Forensic Science Bureau. The Commissioner of the Forensic Science Bureau shall be appointed by the Governor with the advice and consent of the Senate. The position of the Commissioner of the Bureau shall be classified as a trust position and the person appointed thereto shall hold office at the discretion of the Governor.

The Commissioner of the Bureau of Forensic Sciences shall prescribe by regulations the chain of command in the event of absence, disability or death of the Commissioner.

Section 4.03.- Definitions

For the purposes of this Chapter, the following terms shall have the meaning set forth below, unless the context clearly states otherwise:

(a) “Commissioner” or “Commissioner of Forensic Sciences”-: Means the Commissioner of the Forensic Science Bureau of the Puerto Rico Department of Public Safety.

(b) “Bureau” or “Forensic Science Bureau”-: Means the Forensic Science Bureau of the Puerto Rico Department of Public Safety.

(c) “Forensic Scientist”-: Means any person who has earned an academic degree with a major in the scientific analysis of evidence that can be used in a criminal investigation and for the administration of justice and who is knowledgeable in the study and application of any of the disciplines of forensic science.

Section 4.04.- Bureau; Powers and Duties

The Forensic Science Bureau shall have the following duties:

(a) To investigate for the purpose of determining the cause, manner, and circumstances of the death of any person who dies under any of the situations stated in this Act.

(b) To work closely with the Office of Criminal Investigation and Prosecution of the Department of Justice, the Puerto Rico Police Bureau or any other pertinent agency or bureau, as well as when required by the courts of Puerto Rico, to conduct the necessary examinations in the areas of forensic science and criminology and in the investigation and processing of any criminal case in which its services are required. Furthermore, it may also render services to other agencies

or instrumentalities of the Government of Puerto Rico, the municipal police, federal agencies, and other jurisdictions that so request.

(c) To hire professional services as are necessary to discharge its duties, upon previous authorization of the Secretary.

(d) To promote the development of forensic pathologists, forensic scientists, forensic science technicians, criminologists, and other types of scientists that may contribute to the duties of the Bureau and/or other components of the Department.

(e) To conduct scientific and technological investigations in the fields of forensic science.

(f) To provide advice, as necessary, to all the instrumentalities of the Government of Puerto Rico on matters under its jurisdiction.

(g) To collaborate with all the pertinent instrumentalities of the Government of Puerto Rico in the disclosure of scientific-forensic topics under its jurisdiction, including, but not limited to, investigation procedures, and scientific methods and techniques for the purpose of preventing, investigating and fighting crimes and accidents.

(h) To compile, organize, preserve, and publish data and statistics pertaining to the Bureau's matters.

(i) To adopt an official seal of which judicial notice shall be taken and which shall be affixed to every report it submits.

(j) To carry out procurement and make emergency payments in accordance with the bylaws adopted by the Department to such effect and the resources allocated thereto for such purposes.

(k) To accept and receive any donations or any other type of aid in cash, goods, or services, from private persons or institutions and to administer them in accordance with the terms of the donation and the law.

(l) To solicit and obtain help or assistance, for the purposes of this Act, in cash, goods, or services, from the Government of the United States of America, the states of the Federation, the Government of Puerto Rico, or any agency thereof other than the Department of Public Safety, public corporations, or political subdivisions, in accordance with the applicable legislation, regulations, agreement, or contract.

(m) It may create in coordination with the Secretary, maintain, and administer special accounts as are necessary to guarantee the granting and permanence of federal funding.

Section 4.05.- Direction and Organization

The Commissioner of the Forensic Science Bureau shall be appointed by the Governor with the advice and consent of the Senate and shall be a qualified forensic scientist with at least five (5) years of experience. The Commissioner of the Bureau shall be the Forensic Scientist of Puerto Rico.

The office of Commissioner of the Bureau shall be classified as a trust position and the person appointed as such shall hold office at the discretion of the Governor of Puerto Rico.

To the extent possible, the Bureau shall be organized in technical divisions that reflect the best accepted practices in forensic science.

The Commissioner shall create offices or divisions and shall assign duties based on criteria that allow for the most efficient use of the human resources, while taking into consideration the following aspects, among others: the rational assignment and distribution of duties; the distribution of power in accordance with the responsibilities; the appropriate selection of personnel; and the provision of resources in accordance with the needs of the Bureau and its divisions.

The scientific and technical divisions shall be accredited by accrediting institutions as stated hereinbelow:

(a) The Crime Laboratory by the American Society of Crime Laboratory [sic] or another of similar standing that substitutes it.

(b) The Pathology Division, by the National Association of Medical Examiners or another of similar standing that substitutes it.

(c) The Forensic Investigators and Security Division, by the Forensic Quality Services or another of similar standing that substitutes it.

(d) Other organizations of similar standing recognized nationally or internationally in the field of forensic science.

Furthermore, the Bureau shall be part of the genetic (DNA or Deoxyribonucleic acid) profile database of the Federal Bureau of Investigations known as CODIS (The FBI laboratory's Combined DNA Index System).

Section 4.06.- Commissioner; Duties

The Commissioner of the Forensic Science Bureau shall have the following duties:

(a) To formulate the public policy on the operations of the Forensic Science Bureau.

(b) To oversee and evaluate the operations of the Bureau.

(c) To appoint supervisors for the divisions or departments and the professional personnel.

(d) To draft bylaws as are necessary and consistent with the provisions of this Act, in order to define the duties of the divisions or departments and of the professional, technical, and administrative personnel of the Bureau.

(e) To require the reports and statistical data he deems necessary from time to time.

(f) To submit an annual report on the Bureau's operations to the Secretary.

(g) To oversee the accreditation process before the pertinent entities.

(h) To establish the business hours of the different offices of the Bureau in such a manner that the services of the Bureau are available at all times.

(i) To ensure that the different components of the Bureau maintain their accreditation.

(j) To exercise any authority or power as necessary for the Bureau's sound operation; provided, that such authority or power is not inconsistent with the provisions of this Act.

Except for the rulemaking authority, the powers granted herein may be delegated to any member of the Bureau as determined by the Commissioner.

Section 4.07.- Personnel

The Bureau's personnel shall consist of a Commissioner and any scientific, technical, and administrative personnel needed to discharge the duties assigned thereto in this Chapter.

The Bureau's personnel shall meet the continuing education requirements that the Commissioner set forth in the bylaws, using as a basis the requirements established by the accrediting agencies in the field of forensic science.

Forensic experts whose training and certifications were financed with funds administered by the Bureau or its predecessor, shall be required to render their services in the Bureau for a period of not less than twenty-four (24) months, as of the date on which said training and certification period ended. If the training and certification period is longer than twenty-four (24) months, services shall be rendered for a term equal to the training and certification period.

Any forensic expert whose training and certification were financed by the Department, who resigns or voluntarily abandons his job before the aforementioned service rendering period concludes, shall pay an amount equal to the expenses incurred by the Government in said training and/or skills development program. All

potential employees shall be informed about this provision and the related regulations during the hiring or appointment process.

Section 4.08.- Investigation Into Cause of Death - Circumstance

(a) It shall be the duty of the Forensic Science Bureau to investigate and determine the cause and manner of death of any person who dies under any of the following circumstances:

(1) As a result of crime or acts that raise suspicion of crime having been committed.

(2) As a result of any accident or violent act or any subsequent act, regardless of its nature or the time between such acts and the death, if there is reason to reasonably suspect that there is a relationship between said accident or act of violence and the death.

(3) As a result of poisoning or if there the suspicion thereof.

(4) While under the custody of Police or law enforcement officers, while in prison, or as a result of an illness developed or an injury sustained while in prison, or if there is the suspicion thereof.

(5) If the death is the result of or related to the person's work.

(6) As a result of an acute intoxication due to alcohol, narcotics, or any other drug or controlled substance, or if there is the suspicion thereof.

(7) As a result of suicide or if there is the suspicion thereof.

(8) When, in the course of an autopsy that was not originally considered as medico-legal, the pathologist discovers any evidence or suspects that the death was caused by a criminal act. In such a case, the pathologist shall suspend the autopsy and immediately notify the Commissioner of the Bureau of his suspicions.

(9) When the death is sudden and unexpected, and while the person was enjoying relative or apparent good health.

(10) During or after an abortion or delivery, or if there is suspicion that the death is the result of the circumstances provided in Sections 98 through 100 of Act No. 146-2012, as amended, or its successor Sections.

(11) If the person's physician in life is unable to reasonably establish that the person died by natural causes.

(12) In a nursing home, elderly home, or similar establishment or institution whether it belongs to the state, municipality, or if it is private.

(13) While suffering from a contagious disease that could pose a threat to the public health. In such cases, the forensic pathologist may limit the post-mortem examination to the essential diagnostic tests in order to minimize the exposure to contagious diseases.

(14) In a state, municipal or private psychiatric institution, except in cases of a death that has been duly certified by a physician to have been the result of childbirth.

(15) If it was caused by a physical force such as electricity, heat, cold, radiation, or the disposal of chemical products.

(16) Any death due to malnutrition, abandonment, or exposure to the elements, as a result of neglect or abuse.

(b) It shall also be the duty of the Bureau to conduct investigations in order to determine the cause and manner of death of a person:

(1) When the body is to be cremated, dissected, or disposed of in such a way that it shall not be subsequently available for examination, regardless of how the death occurred.

(2) When the prosecutor who investigates the death of any person so requests.

Section 4.09.- Investigation Into Cause of Death - Mandatory Autopsy

In all of the cases stated in Section 4.08, the Commissioner of the Bureau or any of his forensic pathologists or forensic pathologist assistants shall be authorized to perform an autopsy or to order that one be performed.

When the death occurred under the circumstances listed in paragraphs (1) through (7), and (15) and (16) of subsection (a) of Section 4.08 of this Act, the autopsy shall be mandatory in order to determine the cause and manner of death. In the remaining cases listed in subsection (a), the autopsy shall be mandatory when ordered by the prosecutor.

In all other cases listed in Section 4.08, an autopsy shall be performed at the discretion of the Forensic Pathologist in charge of the investigation whenever any doubts arise about the cause of death or the manner in which it took place, or when, for any reason, such pathologist deems it necessary to better clarify the facts.

When the autopsy is not mandatory, it shall not be necessary to transport the body to the facilities of the Bureau, unless it so ordered by the Commissioner, a forensic pathologist, a forensic pathologist assistant, or a prosecutor.

The Forensic Science Bureau shall enter in its database the complaint number assigned by the Puerto Rico Police Bureau, if any, regardless of whether the autopsy is required.

Section 4.10.- Other Investigative Services

With regard to crimes in which no death of a human being has been caused, the Forensic Science Bureau, at the request of a judge, prosecutor, defense attorney or having been issued a court order, shall conduct all of the laboratory investigations that are essential and available to provide the information necessary and help clarify the situation in question. If the circumstances permit it, the Bureau's services in the areas of toxicology; analysis of controlled substances; analysis of explosives, accelerants and residues; gunshot distance determination; glass, paint, soil, fiber and

metal comparisons; services related to forensic serology, forensic photography, identification and examination of firearms, questioned documents, and polygraphs and forensic investigations shall be available.

Section 4.11.- Cases Involving Death- Duty of Every Person to Report;
Penalty

(a) Any person having knowledge of a death occurring under any of the circumstances specified in Section 4.08 shall immediately report it to the Puerto Rico Police Bureau or to any judge or prosecutor, who shall notify the Forensic Science Bureau. Any person who willfully neglects to report a death occurring under the aforesaid circumstances shall be guilty of a misdemeanor.

(b) Any person who, without a written authorization from the pertinent authorities, touches, moves, or lifts the body of a person who died under the circumstances stated in Section 4.08, or touches or moves the clothes of or objects close to the body, shall be guilty of a misdemeanor. Such prohibitions exclude personnel, from hospitals, clinics, health centers, and other institutions which render medical-hospital services, whether public or private, whenever the death occurs in situations in which the violent or criminal circumstances provided in paragraphs (1) and (2) of subsection (a) of Section 4.08 are not present. In such cases, the body may be transported and preserved in the morgue of the institution in question until a prosecutor or official of the Forensic Science Bureau with the authority to do so, authorizes the removal of the body. Likewise, the clothes and objects of the deceased, together with objects found close to the body, shall be gathered and preserved intact to be placed at the disposal of the prosecutor or official to whom the case is assigned.

Section 4.12.- Death Scene Investigation Conducted by the Bureau

A crime scene investigator shall be sent to the scene accompanied by any necessary forensic personnel in order to conduct the pertinent investigations whenever the Forensic Science Bureau receives notice of a person having died under any of the circumstances listed in paragraphs (1) through (7), (15) and (16), of subsection (a) of Section 4.08, or when requested by a prosecutor. A forensic pathologist and any other technical personnel required shall be sent to the death scene, if necessary, in order to better clarify the circumstances and manner of death.

Section 4.13.- Cases Involving Death - Notes and Report

In any case investigated by the personnel of the Forensic Science Bureau, the personnel conducting the investigation shall take notes and submit a report of all of the circumstances deemed pertinent such as the position and location of the body, blood stains, signs, objects, clothes, fibers, signs of violence, as well as the manner and cause of death. General and specific photographs shall be taken, and the forensic identification and studies of any other nature that may be performed at the scene shall be carried out.

Section 4.14.- Cases Involving Death - Removal of Body

In all cases, the removal of the body shall be authorized by the prosecutor investigating the case. The order shall specify whether the body shall be transferred to the Bureau in order to perform an autopsy or to conduct any subsequent investigations, or if the body is to be delivered to the family of the deceased. The Bureau's forensic pathologists and crime scene investigators investigating a death scene shall have the same authority when they determine with reasonable certainty that the person did not die under any of the criminal or violent circumstances enumerated in this Chapter.

Section 4.15- Cases Involving Death- Autopsy Results

In any case in which an autopsy is performed, the results thereof shall be provided to the prosecutor as soon as possible together with any other information that could help him clarify the facts. The same information shall be provided to the defense attorneys, in accordance with the Rules of Criminal Procedure, and to the family of the deceased.

Section 4.16.- Powers Granted to the Members of the Bureau

The Commissioner of the Puerto Rico Forensic Science Bureau, and the forensics experts, forensic pathologists, forensic pathologist assistants, coordinators and technicians of the controlled substances program, evidence control officials and technicians, and forensic investigators of the Bureau are hereby empowered to keep and bear firearms in accordance with the pertinent regulations promulgated by the Commissioner.

The Commissioner, forensic pathologists, forensic pathologist assistants and crime scene investigators are hereby empowered to take sworn statements in any case they are investigating.

Section 4.17.- Case Filing; Conservation; Inspection

The Bureau shall maintain a record of all the cases it investigates. Each case shall be filed under the name of the victim, if known, the complaint number, if any, assigned to the particular incident by the Puerto Rico Police Bureau, the location where the body was found, and the date of death. In cases in which no death is registered, the case shall be filed under the name of the accused and the complaint number, if any, assigned to the incident by the Police Bureau. An index that enables quick access to any case at any moment shall be maintained.

In the event of death, each case file shall include the original report by the forensic pathologist, the autopsy protocol or a copy thereof, the date when it was performed, and the compliant number, if any, assigned to this incident by the Police Bureau.

Any analysis made or a copy thereof, and the complaint number, if any, assigned to the incident by the Police bureau shall be included in other cases. Records shall be kept in the Bureau and shall be duly protected and safeguarded against theft, fire, and inspection by unauthorized persons.

The inspection of the Bureau's records by the attorneys, physicians, and other experts of the parties to any criminal or civil actions related to cases investigated by the Bureau, as well as the interviews conducted by the aforementioned persons with the professional personnel of the Bureau who intervened in said case, shall be regulated by the Commissioner of the Forensic Science Bureau, while safeguarding the fundamental rights of the parties and guaranteeing the due process of law.

Section 4.18.- Custody of the Personal Belongings of the Deceased

In cases in which an autopsy is to be performed, the clothing, money, jewelry, or any other personal objects found on the body of the deceased shall be taken into custody, kept and duly identified by the Forensic Scientist or Technician for whatever time is necessary for the purpose of his investigation. The Bureau shall return any objects not needed by the Forensic Scientist for the investigation or by the prosecutor for the discharge of his duties to the family of the deceased. Likewise, any object which was originally retained by the Bureau or the prosecutor, but is later deemed as not needed for the investigation, shall be delivered to the family of the deceased as soon as possible.

Section 4.19.- Disposal of Body

After the autopsy or investigation, the body of the deceased shall be delivered to the family or the person charged with the burial, upon written and signed request, according to the following order:

- (1) To the widow or surviving spouse, if they cohabited at the time of death.
- (2) To the eldest child or, in his absence or disability, to the next child in line if they are of legal age.
- (3) To the father or mother.
- (4) To the eldest of the brothers or sisters of whole blood or, in their absence, to the eldest of the half-brothers or sisters; provided, they are of legal age.
- (5) To the grandfather or the grandmother.
- (6) To the guardian of the deceased at the time of death, or to the relative or private person who cared for the deceased in life.
- (7) To the grandchildren of the deceased.
- (8) To any person or entity authorized or compelled by law to dispose of the body.

Section 4.20.- Disposal of Body by Private Persons

If the body remains unclaimed in accordance with the provisions of Section 14 of Act No. 296-2002, as amended, and six (6) days have elapsed from the autopsy and investigation, any person or entity may claim it for burial or cremation; provided, that the following requirements are met:

- (a) The person that claims the body is of legal age.
- (b) The person that claims the body shall submit a negative criminal record certificate to the Bureau.
- (c) The person or entity that claims the body must have been connected in any way to the deceased or the deceased must have been a member of the claiming entity.

(d) If the person who claims the body is a member of a civic or religious entity, said person must provide a formal request issued by said organization to claim the body and prove that the deceased was a member of said entity.

(e) By means of a sworn statement, the person or entity shall:

1. Prove their motive for claiming the deceased.
2. Prove their connection to the deceased.
3. Describe the steps taken to locate the family of the deceased or prove that they have no knowledge of their whereabouts.
4. State the name of the institution that shall bury or cremate the deceased.
5. The person claiming the body shall provide to the Bureau information or documents attesting to the information contained in the sworn statement.

Once the term to claim the body has elapsed in accordance with this Act, neither the Department of Public Safety or the Forensic Science Bureau shall be held civilly liable when they release the body pursuant to the provisions of this Act, in the absence of a timely claim by a person with priority within the term provided by law.

Any unclaimed bodies in the Forensic Science Bureau shall be made available for disposal by the Bureau through burial or cremation, according to the available resources, if a ten (10)-day term has elapsed after the autopsy or investigation. Any unclaimed bodies may be used for scientific studies according to the best interests of the Government and society in general.

Section 4.21.- False Information - Misdemeanor

If the person who claims the body submits false information to the Bureau or uses the body for any activity other than burial or cremation, said person shall be accused of a misdemeanor and, upon conviction, shall be punished by a maximum

term of imprisonment of six (6) months, or a fine of five-hundred-dollar (\$500), or both, at the discretion of the Court.

Section 4.22.- Preservation of Tissue Samples and Other Evidence

In any case in which an autopsy is performed, the Bureau shall preserve all necessary blood, urine, bodily fluid and tissue samples, and organs according to the best accepted medical practices, and any other objects such as, but not limited to, bullets and any other foreign bodies found in the body to be used as evidence or corroborating evidence. Said organs, tissue, blood, urine, and body fluid samples and objects shall be preserved and kept in custody in such a way that the identity and integrity thereof are guaranteed. The blood, urine, and bodily fluid samples shall be preserved for a period of not less than six (6) months. The organ and tissue samples shall be preserved for a period not less than one (1) year. The Forensic Science Bureau shall preserve a scientific sample before disposing of said samples. Evidence from other criminal cases not involving death or serious bodily injury that require analysis or examination shall be received and preserved for such purposes.

The agency that submitted the evidence for analysis shall take custody thereof once it has been analyzed or examined by the Forensic Science Bureau, except in cases involving controlled substances. The Bureau shall dispose of the evidence related to a criminal case under one or more of the following circumstances:

- (a) The statute of limitations of the crime has run out.
- (b) The head of the agency that submitted the evidence submits a written notification for the seizure thereof.
- (c) The court has reached a final and binding determination on the case which cannot be appealed.

The Department of Justice shall notify the Forensic Science Bureau, in writing, of the determination of cases for which the Bureau analyzed the legal-physical evidence for the purpose of disposing of the evidence as provided in this Section.

The Commissioner shall establish the procedures to be followed to comply with the provisions of this Section.

Section 4.23.- Bureau Reports

The Forensic Science Bureau shall issue, at the request of an interested party and upon payment of the appropriate fees and charges, certified copies of the autopsy reports and the reports on the scientific analyses performed by the Bureau's professional personnel. The certificate shall state that such documents are a true copy of the Bureau's records.

Nevertheless, when the autopsy and scientific analysis reports are linked to a case with an ongoing criminal investigation, the copies of such reports shall not be issued without the approval of the Secretary of Justice unless it is a request from a competent court.

Section 4.24.- Copy of Medical Record shall be Attached to Cases Referred to the Bureau

Bodies referred to the Forensic Science Bureau by hospitals, clinics, or medical or hospital centers shall be sent to the Bureau with a photocopy of the deceased's medical record and a summary thereof.

Section 4.25.- Forensic Science Bureau Headquarters

The Forensic Science Bureau shall have its main offices and laboratories in San Juan. The Bureau shall establish those regional offices and laboratories it deems necessary for the implementation of this Act upon previous authorization of the Secretary; provided, that the fiscal resources so allow.

The Secretary shall determine the location of the Regional Offices and Laboratories of the Forensic Science Bureau and the areas they shall serve.

Section 4.26.- Agreements with Other Institutions

Whenever deemed necessary or convenient, the Bureau may enter into agreements with the Department of Health of Puerto Rico, the University of Puerto Rico, federal and state government institutions, and private institutions to use their physical facilities in those locations in Puerto Rico in which the Bureau does not have facilities of its own. Any agreements entered into under this Section that require the disbursement of public funds shall require authorization from the Secretary.

Section 4.27.- Other Institutions - Services

The Forensic Science Bureau may make arrangements and enter into agreements, for the appropriate fee, to render forensic services to public or private hospitals, clinics, health centers and institutions which provide medical-hospital services, without impairing the duties established herein for Bureau. Said compensation shall nurture the operational funds of the bureau, subject to the due accounting that pertains to all public funds.

Section 4.28.- Physicians; Duty to Perform Autopsies

The Commissioner of the Forensic Science Bureau or any prosecutor may require any physician qualified to perform autopsies in Puerto Rico to perform an autopsy whenever the circumstances so warrant. Any physician who performs such an autopsy shall immediately send a copy of the autopsy report to the Bureau.

Section 4.29.- Professional Personnel; Prohibition to Participate as Private Experts

The professional personnel of the Forensic Science Bureau may not be hired as private experts in civil suits.

Whenever the personnel of the Forensic Science Bureau is summoned by a court, as a result of the work performed while discharging their duties in the Bureau, in order to testify in a civil suit, the court shall fix the appropriate reasonable fees and earmark the funds therefor to be transferred later to the operating funds of the Bureau. The court shall fix the corresponding transportation expenses and per diems to be paid to the Bureau official summoned by the court.

Section 4.30.- Periodic Medical Examination of Personnel

Periodically, and not less than once (1) every year, the personnel of the Forensic Science Bureau shall undergo a full medical examination that includes all the pertinent clinical analyses. Said examinations shall be performed free of charge by the University Hospital of the Medical Sciences Campus for the Bureau's personnel. The Commissioner, in conjunction with the Secretary, shall make the necessary arrangements to perform such medical examinations.

Section 4.31.- Development of Forensic Professionals

The Bureau, in conjunction with the Public Safety Training and Development Center created in Section 1.11 of this Act, shall develop a training program for the personnel of the different investigation units of the Bureaus.

The Bureau and the Public Safety Training and Development Center, jointly with the Medical Sciences Campus of the University of Puerto Rico, shall develop graduate and postgraduate programs on the areas of science, medicine and criminology.

A scholarship program for advanced studies in professional and educational technical institutions, in and outside of Puerto Rico, shall be created.

Section 4.32.- Savings Clause

For all legal purposes, the Forensic Science Bureau shall be the successor of the Institute of Forensic Science as said entity operated under Act No. 13 of July 24, 1985, as amended, known as the "Puerto Rico Institute of Forensic Sciences Act."

Any reference to the Institute of Forensic Science, the Director of the Institute of Forensic Science and/or the Board of Directors of the Institute of Forensic Science made in any regulations, Executive Order, or other official document of the Government of Puerto Rico, shall be understood as referring to the Forensic Science Bureau, the Commissioner of the Forensic Science Bureau, and the Secretary of Public Safety respectively. Likewise, it shall be understood that any law making reference to the Institute of Forensic Sciences, the Director of the Institute of Forensic Sciences, and/or the Board of Directors of the Institute of Forensic Sciences is hereby amended to substitute them for the Forensic Science Bureau, the Commissioner of the Forensic Science Bureau, and the Secretary of Public Safety respectively, insofar as its provisions are not in conflict with the provisions or purposes thereof.

CHAPTER 5: 9-1-1 EMERGENCY SYSTEMS BUREAU

Section 5.01.- Emergency Systems Bureau; Creation and Purpose

The “9-1-1 Emergency Systems Bureau” is hereby created which shall direct and administer the 9-1-1 emergency calls and the 3-1-1 call services, and channel such calls to the different Bureaus of the Department of Public Safety as well as to other agencies or instrumentalities, other emergency service providers, or any other authorized by the Department so they receive an efficient response.

Section 5.02.- 9-1-1 Emergency Systems Bureau; Authority

The Governor of Puerto Rico shall have supreme authority with respect to the direction of the 9-1-1 Emergency Systems Bureau. However, the administration and immediate supervision thereof shall be delegated to the Secretary of the Department of Public Safety of the Government of Puerto Rico.

The office of the Commissioner of the 9-1-1 Emergency Systems is hereby created to be in charge of the daily operations of the Emergency Systems Bureau. The Commissioner shall be appointed by the Governor with the advice and consent

of the Senate of Puerto Rico. The office of Commissioner of the Bureau shall be classified as a trust position and the person appointed thereto shall hold such office at the discretion of the Governor.

The Emergency Systems Commissioner shall prescribe, through regulations, the chain of command in the event of absence, disability, or death of the Commissioner.

Section 5.03.- Definitions

For purposes of this Chapter, the following terms shall have the meaning stated below, unless the context clearly indicates otherwise:

(a) “Public Safety Agencies” - Means those agencies or instrumentalities whose services are offered through the 9-1-1 emergency number including, particularly, the Bureaus of the Department of Public Safety, the Department of the Family, and any municipal medical emergency program that opts in and complies with the provisions of the applicable laws and regulations.

(b) “Public Safety Agent” - Means an officer of any of the public safety agencies or bureaus attached to the Department, whose services are offered through the 9-1-1 emergency number.

(c) “Call Answering Center” - Means the facility or facilities where the personnel and telephone and data equipment are located and to where the 9-1-1 emergency calls are directed to be answered, firstly, and to analyze the nature of the emergency before routing them to a Public Safety Bureau in order to dispatch the service units to provide the services. It is also where the 3-1-1 Citizen Service calls are answered and routed to the concerning agencies or instrumentalities.

(d) “Call Center” - Means the site within the jurisdiction of the Department of Public Safety to where the call answering center routes the 9-1-1 call, as well as the pertinent information of the number that originated the call and the location

thereof, once the nature of the emergency is determined in addition to the agencies which shall take over the call and respond thereto.

(e) “Commissioner” or “Emergency Systems Commissioner” - Means the Commissioner of the 9-1-1 Emergency Systems of the Puerto Rico Department of Public Safety.

(f) “Bureau” or “Emergency Systems Bureau” - Means the 9-1-1 Emergency Systems Bureau of the Puerto Rico Department of Public Safety.

Section 5.04.- Duties of the 9-1-1 Emergency Systems Commissioner

The Commissioner is hereby empowered to:

(a) Determine the geographical areas where the 9-1-1 and 3-1-1 Services shall be offered as well as the responsibilities of each Bureau, instrumentality, or Municipality in connection with the rendering of such services. To such effect, the Commissioner is empowered to enter into agreements with the municipalities as are necessary for the efficient use of the resources.

(b) Receive and use the technical support as well as the personnel, equipment, facilities, services, and supplies of the aforementioned government entities, or any similar civic organization, company, or government agency.

(c) Facilitate the integration of municipal emergency services that are compatible with the state emergency services and those that the Secretary deems prudent and convenient to integrate into the 9-1-1 and 3-1-1 systems.

(d) Organize fundraising activities and operations, and accept donations and contributions from private and public entities authorized thereto.

(e) Plan and implement the services and technologies as deemed convenient.

(f) Through the Secretary, contract professional services and other services as are necessary for the operations of the 9-1-1 system and to fulfill the responsibilities thereof, including the acquisition, installation, and operation of the

pertinent equipment, systems, supplies, and services, without excluding the operations of the 9-1-1 Call Answering Center nor the rendering of emergency services where the situation so warrants.

(g) Take measures and implement the mechanisms needed to establish, develop, and administer the 3-1-1 Citizen Service System.

(h) Adopt regulations as are necessary for its internal operations and the rendering of services efficiently through interagency coordination. Regulations shall also provide for the charges to be billed to telecommunications end users in order to make 9-1-1 and 3-1-1 systems operations feasible, and for the technologies needed in each agency to provide the appropriate response and care services, and to defray the operating and maintenance costs of the services offered by such agencies.

The Bureau, through the Secretary, may execute contracts with telephone companies to allow these companies to provide 9-1-1 and 3-1-1 related services in order to be able to guarantee the availability thereof to telephone users and, subsequently, bill them for any charges therefor, as prescribed through Regulations.

(i) Evaluate the implementation of this Act periodically and assess its effectiveness in achieving its objective. Make recommendations, as deemed pertinent, to the Secretary of the Department of Public Safety on measures, provisions, rules, and regulations that should be revised, improved, repealed, or adopted in order to improve the public safety emergency response services.

Section 5.05.- Provisions on the Charges to be Billed to Telephone Service Subscribers

(a) The Emergency Systems Bureau, in the exercise of the duties granted thereto by this Act, and with the approval of the Secretary, shall fix any fees deemed reasonable to defray the cost incurred by public safety agencies in equipment and facilities of the 9-1-1 Service and the direct administration thereof. Such charges

shall be fixed from time to time at the discretion of the Bureau and the effectiveness thereof shall not be less than one (1) year.

(b) 9-1-1 Service fees shall be billed for every line in a telephone account uniformly, for which payment the end user of the service shall be responsible, within each subscriber category, and as part of the monthly charges to be billed. 9-1-1 Emergency Service calls shall not entail an individual fee for the use of telephone facilities for such purposes.

(c) When determining the charges to be billed, the Bureau and the Department shall take into account the budgeted and projected expenditures for the following two (2) years, and shall attempt to generate revenues to defray such expenditures, plus a reasonable contingency reserve, service expansion, and replacement of equipment that is obsolete or out of order.

(d) The base fee of the 9-1-1 Service per main telephone line shall not exceed fifty cents (\$0.50) per month for residential subscribers, nonprofit, and religious organizations, nor exceed one dollar (\$1.00) per month for commercial, professional, and government subscribers whose rates shall be equally applicable to each cell phone line, whether prepaid or contract, Voice over Internet Protocol (VoIP) lines, and any other line of communication interconnected to the telephone system which allows calls to be made and received, according to their appropriate categories and classifications.

(e) The 9-1-1 Service fee shall be itemized in each telephone service bill if the Commissioner contracts such billing service with telephone companies.

(f) The telephone Company that provides such service shall collect the 9-1-1 Service Fee from the users thereof within a period not to exceed thirty (30) days after the subscriber has made the payment. The Company shall deposit the money in the account established by the Department. Provided, that such revenues shall be accounted for and deposited in a special account separate from the rest of

the operating funds of the Department so as to guarantee the availability of federal funds and other special funds. The telephone company shall keep a record of the billing, payments, and deposits made in connection with such fees for the period prescribed through regulations. Telephone companies shall be reimbursed for the net costs of billing and collecting the fees, insofar as these do not exceed the amounts established in this Act.

Section 5.06.- Distribution and Use of the Funds Collected on Account of Charges Billed to Telephone Service Subscribers

(a) The revenues of the Bureau on account of telephone charges shall be used solely to defray or reimburse expenses directly attributable to the receipt and answering of emergency and citizen service calls, the dispatching, and rendering of first response emergency services during such emergencies, the addressing of claims or rendering of services, and the administration of such emergency or citizen services, except as otherwise provided by the Secretary of Public Safety.

(b) The funds collected on account of charges billed to telephone service subscribers shall be distributed in the manner prescribed through regulations by the Secretary of Public Safety.

(c) The Commissioner, at his discretion and with the approval of the Secretary of Public Safety, may reimburse the percentage of the direct wages of the personnel assigned to public safety agencies that is deemed justified to provide direct assistance to not less than forty percent (40%) of the 9-1-1 users, as well as of any operating costs and other costs incurred for the maintenance of equipment and systems as required by the Bureaus to render the services.

Section 5.07.- Call Answering Centers

(a) 9-1-1 Service call answering centers shall be established and operated in accordance with the determinations made by the Commissioner, with the approval of the Secretary of Public Safety, upon analysis of the needs of the public with

respect to the resources available to the public safety agencies. Call answering centers shall be the public's first point of contact with the 9-1-1 Service and shall offer their services equally to all public safety Bureaus by routing the received calls to them for their individual or joint response.

(b) Call answering centers shall be operated by the personnel of the Department and/or the bureaus thereof. The Department may contract private services for such purposes if deemed to be beneficial in accordance with the purposes of this Act.

(c) Telephone companies shall provide the Call Answering Center with the telephone numbers and the addresses of the location of 9-1-1 and 3-1-1 service subscribers who called, and for every call received in such Center. The number and location identification information shall be furnished in a digital format that is compatible for the transfer thereof to the Call Answering Center or service Dispatch center.

(d) The call answering centers shall filter, analyze, and route the calls received through the 9-1-1 and 3-1-1 service to the pertinent agencies or instrumentalities, and shall also have the means to manage the data they receive from telephone companies to identify the locations from which the calls were placed, and the locations of the incidents reported. These means shall be developed in conjunction with the Security Information Management Office of the Department so as to allow for the transmission of as much data as possible on such incidents to the call answering centers and the appropriate Bureaus at the same time as the call is transferred.

(e) The call answering center shall coordinate with the Security Information Management Office for the creation, updating, and maintenance of a Master Street Address Guide (MSAG), which shall be a computerized geographic information system that shall include an electronic file with the list of the names of

the streets and other thoroughfares, geographic sectors, and points of reference with the data and functions needed to dispatch public safety agents.

(f) The call answering center shall be charged with keeping a record of the calls received and their final routing, and preparing the pertinent reports, statistics, and documents.

(g) The Department shall provide call answering centers with the personnel, facilities, equipment, and communication and information systems required for the most efficient discharge of their duties.

(h) The Bureau and telephone companies shall establish the number of telephone lines and equipment necessary to provide appropriate access to the 9-1-1 and 3-1-1 Services in all regions. These lines and equipment may be billed to the Bureau by telephone companies at a rate not to exceed the regular rates charged for such services.

Section 5.08.- Call Recording

In order to address more efficiently and promptly the emergency claims made by the citizens of Puerto Rico, the tracking, identification of the number from which the call was placed, and the recording of emergency calls made to the 9-1-1 Service are hereby expressly authorized. Such recordings shall be used for any lawful purposes that are consistent with the laws in effect and shall constitute *prima facie* evidence admissible in any civil or criminal proceeding in accordance with the rules applicable to public documents.

Calling the 9-1-1 System shall constitute an express release and be understood as the person placing the call having given express consent for such call to be tracked, identified by the number from which the call was placed, recorded, and used for an efficient emergency response and the attainment of the purposes of this Act.

Section 5.09.- Equipment and Systems to Answer Calls and Render Services

(a) The Department shall provide the equipment, services, systems, and the maintenance thereof as required by the Bureau to properly answer calls and assist citizens to the extent and proportion of costs it is determined, whether through regulations or individual consideration on a case by case basis.

(b) Each safety Bureau shall be responsible for operating and maintaining in good condition the equipment and systems that the Emergency Systems Bureau assigns, leases, gifts, or facilitates thereto in order to fulfill their missions.

(c) The Bureau shall be empowered to inspect and audit the equipment, systems, and facilities it directly or indirectly supplies or helps to supply in order to ensure the best use thereof.

Section 5.10.- Text-to-911

The Bureau, in conjunction with the Department, shall be charged with developing the necessary protocols to implement a system that allows citizens to request emergency services by sending an SMS text or other type of text message to the 9-1-1 Emergency System. For such purposes, cell phone service companies shall offer their subscribers a text-based system as part of the emergency communications service, as prescribed by the Federal Communications Commission (FCC).

Section 5.11.- Educational Campaign

The Bureau in conjunction with the Department of Health and the other Bureaus shall conduct an annual educational campaign in the media geared to inform and educate the people on the importance and convenience of the proper use of the 9-1-1 Call Center, as well as identify when there is an actual emergency that requires the activation of the system.

Section 5.12.- Savings Clause

For all legal purposes, the 9-1-1 Emergency Systems Bureau shall be the successor of the 9-1-1 Emergency Systems, as such entity operated under Act No. 144-1994, as amended, known as the “9-1-1 Calls Act.”

Any reference to the 9-1-1 System and/or its Board or Executive Director in any regulations, Executive Order, or other official document of the Government of Puerto Rico shall be understood to be referring to the 9-1-1 Emergency Systems Bureau, the Secretary, and the Commissioner, respectively. Likewise, it shall be understood that any law that refers to the 9-1-1 Emergency Systems, its Board, or Executive Director is hereby amended to be substituted for the Emergency Systems Bureau, the Secretary of the Puerto Rico Department of Public Safety, and the Commissioner of the 9-1-1 Emergency Systems, respectively, provided that such provisions are not in conflict with the provisions or purposes thereof.

CHAPTER 6: EMERGENCY MANAGEMENT AND DISASTER ADMINISTRATION BUREAU

Section 6.01.- Emergency Management and Disaster Administration Bureau; Creation and Purpose

A body to be known as the “Emergency Management and Disaster Administration Bureau,” is hereby created in the Government of Puerto Rico. The Bureau shall be attached to the Puerto Rico Department of Public Safety and under the direct and nontransferable supervision of the Secretary of Public Safety. The Bureau shall have the duty and obligation to protect the people during emergencies or disasters and to such effects shall provide security assistance in the fastest and most effective manner as needed for the protection of life and property before, during, and after emergencies or disasters. Likewise, it shall ensure the swiftest recovery and stabilization of services essential to citizens, industries, businesses, and government activities.

Section 6.02.- Emergency Management and Disaster Administration Bureau;
Authority

The Governor of Puerto Rico shall have supreme authority with respect to the direction of the Emergency Management and Disaster Administration Bureau; however, the administration and immediate supervision thereof shall be delegated to the Secretary of the Government of Puerto Rico Department of Public Safety.

The office of the Commissioner of the Emergency Management and Disaster Administration Bureau is hereby created to be in charge of the daily operations of the Emergency Management and Disaster Administration Bureau. The Commissioner of the Emergency Management and Disaster Administration Bureau shall be appointed by the Governor with the advice and consent of the Senate of Puerto Rico. The office of Commissioner of the Bureau shall be classified as a trust position and the person appointed thereto shall hold such office at the discretion of the Governor. Furthermore, the person who holds such office shall have furnished proof of holding at least a master's degree from a duly accredited college institution and shall have experience in matters of security, emergency management, and disaster administration.

The Commissioner of the Emergency Management and Disaster Administration Bureau shall prescribe, through regulations, the chain of command in the event of absence, disability, or death of the Commissioner.

Section 6.03.- Definitions

For purposes of this Chapter, the following terms shall have the meaning stated below, unless the context clearly indicates otherwise:

(a) "Federal Disaster Assistance" - Means the federal aid for disaster victims, municipal and state governments, or the instrumentalities thereof, under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act,

Pub. Law 93-288, as amended, (formerly known as the Disaster Relief Act of 1974) and/or any other substitute law.

(b) “Commissioner” or “Commissioner of the Emergency Management and Disaster Administration Bureau” - Means the Commissioner of the Emergency Management and Disaster Administration Bureau.

(c) “Disaster” - Means an event that results in damages to the property as well as deaths and/or injuries in one or more communities.

(d) “Evacuation” - Means the organized and supervised transfer of the civil population in phases from danger zones or potentially dangerous zones and their arrival and relocation to safe zones.

(e) “Emergency” - Means any situation or circumstance that warrants the necessary state and municipal efforts geared towards saving lives and protecting property, health, and public safety, or minimizing or avoiding the risk of a disaster in any part of Puerto Rico.

(f) “Emergency Support Function” (ESF) - Means a functional area within the four (4) stages of emergency management geared to facilitating the dispatch of aid or assistance in a coordinated manner when so requested during emergencies or disasters. This assistance shall be aimed at saving lives and protecting property, as well as public health and safety. Emergency Support Functions (ESF) represent those types of federal or state assistance that municipalities or states, and territories are more likely to need in the aftermath of a disaster in terms of the internal resources available. The Emergency Support Function (ESF) is described and included in the Federal Response Plan and the State Emergency Management Plan.

(g) “Emergency Management” - Means the concept that integrates all of the actions and measures taken before, during, and after an emergency or disaster throughout the four (4) stages of emergency management, namely: mitigation, preparedness, response, and recovery.

(h) “Mitigation” - Means all those activities geared to eliminating or reducing the impact and the likelihood of an emergency or disaster.

(i) “Bureau” - Means the Emergency Management and Disaster Administration Bureau.

(j) “State Coordinating Officer” (SCO) - Means the person appointed by the Governor of Puerto Rico to coordinate federal assistance upon the requests submitted by municipalities or state governments, when these have been affected by an emergency or a disaster, upon a declaration by the President that a disaster or emergency exists.

(k) “Preparedness” - Means the planning process for the effective response to emergencies or disasters through the coordination and use of the resources available.

(l) “Recovery” - Means the process used to return an area to its normal situation following the disaster.

(m) “Governor’s Authorized Representative” (GAR) - Means the person appointed by the Governor of Puerto Rico in the agreements entered into by and between the federal government and the state government in order to execute, on behalf of the Government of Puerto Rico, all documents related to federal disaster assistance; and evaluate and submit requests for federal disaster assistance from the municipal governments or eligible entities, whether they are private or public organizations, including those of the federal government proper or the instrumentalities thereof, upon a declaration that a disaster or emergency exists.

(n) “Response” - Means those mitigation activities carried out to address the immediate and short-term effects in the aftermath of an emergency or disaster. Response actions include those taken to save and protect lives and property, and to address basic human needs. Based on the circumstances of and requirements for each situation, the Bureau shall provide assistance to municipal governments in

accordance with the provisions of the State Emergency Management Plan, through the partial or full activation of the agencies concerned with the Emergency Support Function (ESF), as necessary.

(o) “Specialized Volunteer Technicians” - Means those persons with technical knowledge in refrigeration, plumbing, electricity, and construction, among others, who team up in each municipality, as provided in the State Emergency Management Plan, in order to serve as emergency management volunteers.

Section 6.04.- Functions of the Emergency Management and Disaster Administration Bureau

The Bureau shall have the following functions:

(a) To develop and maintain up to date the State Emergency Management Plan for all of the emergency and disaster management phases, and coordinate the actions to be taken by state agencies and municipalities to provide essential services promptly in order to address the needs of our citizens and have a speedy recovery.

(b) To organize the emergency plans for state and municipal agencies.

(c) To coordinate interagency tasks for the duration of the emergency or disaster declaration.

(d) To coordinate efforts with other states or territories of the Union to achieve the purposes of this Act.

(e) To request, receive, and process any assistance offered by natural or juridical persons of the private sector and across the world.

(f) To coordinate the evacuation or relocation of the civil population that is instructed as part of the execution of its plan in the event of an emergency or disaster. It is hereby provided that minors or persons with disabilities may be relocated against the will of their parents, guardians, custodians, or tutors, upon the declaration of a state of emergency by the Governor. For purposes of this Act, a

“person with disabilities” means an individual who has an intellectual impairment that substantially limits his ability to function on his own.

(g) To coordinate search and reconstruction tasks or damage assessment and investigation with federal, state, or municipal agencies for the duration of the state of emergency declared by the Governor of Puerto Rico through an Executive Order.

(h) To coordinate, with the Department of Housing, the administration and maintenance of provisional housing of any kind for emergency or disaster victims who have been relocated to temporary shelters. The Secretary of Housing shall be mainly responsible for the administration and operation of said housing.

(i) To coordinate the efforts of the Government of Puerto Rico in connection with the search and rescue operations. Moreover, to coordinate efforts with federal bodies or others who are concerned with search and rescue operations.

(j) To establish an evacuation plan for public buildings specifically geared towards satisfying the special needs of persons with disabilities during this process. Such plan shall be revised annually.

(k) To establish an education program on disaster prevention and emergency management where public and private entities as well as the media shall participate; and to implement it, as a mandatory program and free of charge, in the schools, universities, and postsecondary institutions, including seminars, trainings, conferences, workshops, and corresponding courses.

(l) To organize and train groups and/or individuals in emergency management. No natural or juridical person may contract with government entities or public corporations or municipalities to render professional or consulting services for training and advising persons or groups in emergency management without obtaining the accreditation issued by the Bureau, upon evaluation and recommendation of the Commissioner.

(m) To create and publish an emergency management model plan for the Condominium Association, the Board of Directors, and the Administrative Agents of condominiums subject to the regimen established under Act No. 104 of June 25, 1958, as amended, known as the “Condominiums Act,” which shall be available to the public.

(n) To secure the most effective use of the resources available whenever these are, pursuant to the laws, rules, and regulations of Puerto Rico and United States of America.

Section 6.05.- Commissioner of the Bureau; Powers, Duties, and Prerogatives

The Commissioner shall have the powers and responsibilities as are necessary and convenient to comply with the provisions of this chapter including, but not limited to, the following:

(a) To prepare, modify, and submit to the Governor, through the Secretary of the Department, a plan describing the services provided by the Bureau and the recommended operating budget in order to fulfill the obligations imposed under this Chapter.

(b) To establish, in conjunction with the Secretary of the Department and upon the approval of the Governor, work or reciprocity agreements with other state jurisdictions through the mechanisms provided under federal and state laws to achieve the purposes of this Chapter.

(c) To appoint a Search and Rescue Coordinator for Puerto Rico who shall develop such programs, including the one designated as Search and Rescue Operations Team.

(d) To enter into, with the authorization of the Secretary of the Department, contracts and any other instrument as necessary or convenient to exercise his powers, and to contract the necessary professional services with individuals, groups,

corporations, federal agencies, the Government of the United States of America and of Puerto Rico, its agencies or political subdivisions.

(e) To adopt bylaws and internal procedures as necessary to achieve the purposes of this Chapter.

(f) To charge for any seminars, trainings, conferences, workshops, or courses on emergency and disaster management. Provided that any Community Organization whose mission is the promotion of the principle of self-management and community empowerment, as defined in Act No. 1-200, as amended, shall be exempt from paying the charges prescribed herein.

(g) To address issues related to the internal administration and operations of the Bureau.

(h) To establish, merge, and/or eliminate, with the authorization of the Secretary, such regional offices that the Commissioner deems convenient or necessary to achieve the purposes of this Chapter.

(i) To request and accept any funds or gifts from any state or federal government entity, or from private natural or juridical persons inside and outside Puerto Rico.

(j) To direct the coordination efforts of state and municipal agencies as established in the Emergency Management Plan, thus aligning the efforts of the Government of Puerto Rico to allow for a speedy and effective recovery.

(k) To establish the guidelines for the organization of Volunteer Corps in each Municipality of Puerto Rico.

(l) To chair the State Interagency Committee for State Risk Mitigation established in Section 6.08 of this Act. Likewise, he shall serve as State Mitigation Officer of the Government of Puerto Rico.

(m) To recommend the full or partial activation of the available resources of the Military Forces of Puerto Rico in accordance with the provisions of Act No. 62 of June 23, 1969, as amended, known as the “Military Code of Puerto Rico.”

(n) To organize specialized volunteer technician groups and/or individuals in the municipalities for emergency management.

(o) To develop and implement an evacuation plan for public buildings specifically geared towards satisfying the special needs of persons with disabilities during such process. Such plan shall be revised annually.

(p) To prescribe, through bylaws, the chain of command in the event of absence, disability, or death of the Commissioner.

(q) To designate an Assistant Commissioner who shall assist in the discharge of the functions assigned in this Section.

(r) To exercise any power or authority as necessary for the sound operations of the Bureau provided they are not inconsistent with the provisions of this Act.

(s) To establish the Continuity of Operations Plan (COOP).

(t) To establish the Credentialing System to validate the qualifications of the personnel and volunteers who work on emergency response.

(u) To establish the Emergency Operations Center (EOC).

Except for the rulemaking authority, the powers herein conferred may be delegated to any member of the Bureau as determined by the Commissioner.

Section 6.06.- Coordination of Efforts Between the Government of Puerto Rico and the Government of the United States of America

(a) In a situation where there is a declaration by the President that a disaster or emergency exists:

To the extent feasible, emergency and disaster management programs and plans of the Government of Puerto Rico shall be coordinated with the

Government of the United States of America. The Commissioner shall be responsible for coordinating and implementing said plans and programs, and shall act as the coordinating officer between the Government of Puerto Rico and the Government of the United States of America for such purposes.

(b) In a situation where there is a declaration by the Governor that a disaster or emergency exists:

The Governor shall declare a state of emergency or disaster through Executive Order and the Commissioner shall be responsible for coordinating, implementing, administrating emergency and disaster management programs and plans whenever the intervention of the Bureau is pertinent.

The Governor of Puerto Rico shall designate the person who shall be responsible for disaster management and serve as the Governor's Authorized Representative (GAR) in any disaster whether it is declared by the President or the Governor, and shall be also responsible for proper management of any allocated funds, both state and federal. Likewise, the Governor shall designate the person who shall serve as the State Coordinating Officer (SCO) in any emergency or disaster where federal disaster assistance is requested for any response, recovery, or mitigation efforts.

Section 6.07.- Designation of Interagency Coordinators

The Commissioner shall determine which Bureaus and agencies shall be included within the State Emergency Management Plan and shall assign responsibilities in accordance with the functions thereof. The agencies inclusion in the plan shall entail the following responsibilities:

(a) To support state efforts within the jurisdiction of their functions by contributing the resources and capacities required therefrom by the Bureau.

(b) To establish an Emergency Management and Disaster Administration Office which shall develop and implement the emergency plans of the Bureau and

any internal plans as required in accordance with their support function in connection with the State Emergency Plan and in conjunction with other agencies.

(c) To appoint a full-time Interagency Coordinator to be in charge of every emergency management phase. The main function of the Coordinator shall be to serve as the Bureau's liaison in the State Emergency Plan in order to coordinate any action that the Bureau is required to take thereunder. The Coordinator shall be furnished with the resources necessary to discharge his duties. He shall also be empowered by the Head of the Agency to make decisions and allocate resources and funds within the scope of the operations of the agencies. The Interagency Coordinator shall be responsible for the operations of his agency's Emergency Management and Disaster Administration Office.

(d) To prepare and keep up to date a Recovery Plan in case of emergencies or disasters, which shall include any actions, measures, and priorities to return Puerto Rico back to normal as soon as possible. This Plan shall be made in coordination with the State Agency and shall be integrated into the State Emergency Management Plan. The Interagency Coordinator shall be responsible for the Plan and the coordination required herein.

Section 6.08.- Creation of the Interagency Committee for Natural and Technological Risk Mitigation

The Interagency Committee for Natural and Technological Risk Mitigation is hereby created to be responsible for:

- a) Preparing and implementing the State Mitigation Plan.
- b) Establishing priorities of mitigation projects.
- c) Assessing the damages caused by the emergency or disaster and recommending mitigation actions to reduce future damages.

The agencies specified by the Commissioner shall appoint a Mitigation Affairs Coordinator. Said Coordinator shall have the responsibility to:

- a) Participate as a member of the Risk Mitigation State Interagency Committee.
- b) Coordinate and prepare mitigation plans and activities for their respective agencies.

Section 6.09.- Municipal Emergency Management and Disaster Administration Offices

Every municipality of Puerto Rico is hereby directed to establish a Municipal Emergency Management and Disaster Administration Office in accordance with the rules established by the Commissioner for such purposes. Every municipal office shall be directed by a Municipal Director appointed by the Mayor. The Municipal Director shall have, at least, an associate degree in a discipline related to public safety and/or emergency management. The approval of the Municipal Legislature shall be required to confirm the appointment of the Municipal Director. The Municipal Director shall have the responsibility to:

- (a) Develop and implement the Emergency Management and Disaster Administration Plan.
- (b) Meet the requirements established in the State Response Plan.
- (c) Be the first responder in emergencies and disasters and coordinate the necessary actions and resources for a fast recovery with the appropriate municipal and state agencies.
- (d) Take charge of the mitigation, preparation, response, and recovery efforts required for disaster control in his municipality by performing these functions to minimize or prevent the loss of lives and property.

(e) The Municipal Emergency Management Office of each municipality shall perform its functions within the jurisdictional boundaries of the municipality, however, it may perform functions outside of the jurisdictional boundaries of the municipality as necessary to achieve the purposes of this Act or as required by the Commissioner or the Governor.

(f) Every municipality of Puerto Rico shall be empowered to:

(1) Allocate and use the necessary funds, enter into contracts, secure and distribute equipment, materials, and supplies as are necessary for purposes of municipal emergency management.

(2) Establish a primary emergency operations center and various secondary centers to direct the municipality's emergency management operations.

(3) Provide personal and property assistance and equipment to any municipality that requests assistance and has a valid reason that warrants it.

(g) Each Municipal Office shall prepare and keep up to date an Emergency and Disaster Management Plan and forward a copy thereof to the Commissioner.

(h) The Municipal Plan shall be aligned with the State Plan to the extent possible.

(i) For purposes of this Act, the Mayor may accept donations of real and personal property, equipment, materials, services, supplies, and money from any government entity inside and outside of Puerto Rico, and from private natural or juridical persons inside and outside of Puerto Rico.

(j) Every Municipality of Puerto Rico is hereby empowered to organize Volunteer Corps, including specialized technical groups following the guidelines established by the Commissioner as provided in this Act.

(k) The Volunteer Corps shall render auxiliary services to the police and firefighters as well as medical, engineering, communications, administration, social, transportation, and public works, and specialized technical cooling, plumbing, electrical, and construction services, among others.

(l) The Municipal Director shall be responsible for organizing and administering the Municipal Volunteer Corps, subject to the supervision and advice of the Commissioner.

(m) When the Governor declares a state of emergency or disaster and the Commissioner activates the Volunteer Corps, the members of said corps may receive compensation from the Emergency Fund at the rate established by the Secretary of the Treasury after being activated for forty-eight (48) hours or more. This shall not apply to volunteers who are employees of government entities of Puerto Rico. At the request of the Department, the State Insurance Fund Corporation shall extend insurance coverage to the members of the Volunteer Corps subject to the conditions established in the laws that regulate compensation for work-related accidents and shall make the annual insurance premium based on the expenses incurred.

(n) Benefits granted to the members of the Volunteer Corps shall be extended to the members of emergency corps from abroad who render services in Puerto Rico.

Section 6.10.- Special Powers of the Governor of Puerto Rico

In emergency or disaster situations, the Governor of Puerto Rico may declare through a proclamation that a state of emergency or disaster exists, as the case may be, in all of the territory of Puerto Rico or part thereof. The Governor, for the duration of such state of emergency or disaster shall have, in addition to any others conferred by other laws, the following powers:

(a) May request the President of the United States of America any federal disaster assistance available under the federal legislation in effect, and accept such assistance and use it at his discretion and subject only to the conditions established by the federal legislation under which it was granted.

(b) May prescribe, amend, and revoke any regulations as well as issue, amend, and rescind such orders as deemed convenient which shall be in effect for the duration of the state of emergency or disaster. Regulations prescribed or orders issued during a state of emergency or disaster shall have force of law for the duration of the state of emergency or disaster.

(c) May render effective any state regulations, orders, plans, or measures for emergency or disaster situations or modify them at his discretion.

(d) May order the removal of debris and wreckage resulting from the emergency or disaster, subject to the conditions stipulated hereinafter.

(e) May acquire by purchase or gift any real or personal property or any right therein that, in his judgment, is deemed useful, convenient, or necessary during an emergency or disaster.

(f) May acquire through eminent domain such real or personal property or any right thereon that, in his judgment, is deemed useful, convenient, or necessary during an emergency or disaster, in accordance with the provisions of the Act of March 12, 1903, known as the "Condemnation Act," as amended, and subject to any additional provisions set forth hereinafter.

Section 6.11.- Removal of Debris and Wreckage

The Governor of Puerto Rico, upon declaring that a state of emergency or disaster exists, may direct the removal of debris or wreckage resulting from such state of emergency or disaster. For such purposes, the Governor may use the resources available in the Government of Puerto Rico to clean and remove such wreckage, debris, or waste that may affect the health or public safety of public or

private lands or bodies of water. Cleaning or removal efforts may be entrusted to natural or juridical persons that, to the judgment of the Governor, are trained to carry out such task.

The cleaning and removal of debris and wreckage in a private property may not be conducted without obtaining the written consent of the owner of the property. In the document executed therefor, the owner of the property shall exempt the Governor, or his agent, from any liability for damages that may be caused to the property during the cleaning and removal process. Likewise, the owner of the property shall agree to redress the Government of Puerto Rico in the event of any claim arising from such cleaning or removal process.

Having obtained the consent of the owner of the private property, the agents of the Governor shall be fully authorized to enter such property and carry out any task that may be necessary to clean or remove any debris or wreckage.

Section 6.12.- Condemnation Procedures during a State of Emergency or Disaster

Upon declaring that a state of emergency or disaster exists, the Governor of Puerto Rico may acquire, through eminent domain, any real or personal property or any right thereon that, in his judgment, is deemed useful, convenient, or necessary to achieve the purposes of this Chapter.

Such personal and real property may comprise: lands, buildings, modes of transportation, communication media, food, clothes, equipment, and supplies of any kind, medications, and any other basic necessities.

For purposes of the “Condemnation Act,” any real or personal property or any right thereon that, in the judgment of the Governor, is deemed useful, convenient, or necessary during an emergency or disaster shall be deemed a public utility. Therefore, it shall not be necessary the express declaration of public use required in other instances.

Condemnation procedures that are established in accordance with the provisions of this Act shall have the highest docketing priority.

Section 6.13.- Immunity

As this chapter provides that the duties as well as the management activities and measures are governmental in nature, the following immunities for natural and juridical persons that participate in disaster and emergency management are hereby established:

(a) The owner or the natural or juridical person with beneficial ownership of a real property or part thereof that, without any compensation whatsoever, assigns the use of said real property or part thereof to the Department, Bureaus or any of the municipalities, through a written agreement to such effects, to be used as a shelter or to house persons during an emergency or disaster or during a drill conducted under the direction of the Bureau, shall be held harmless from damages caused by the death or injuries suffered by persons located in said shelters during any of the aforesaid instances, or for the loss of or damages to the properties of said persons even when these damages are caused by the negligence of the owner or the person with beneficial ownership of the real property. The owner or the natural or juridical person with beneficial ownership of said real property shall also be held harmless when his alleged negligence results in the death or injury of any employee or officer of the Bureau while in the performance of his official duties at said property, and shall not be liable for damages when due to his negligence there is damage to or loss of the property of said employee or official, or damage to or loss of the property found in said shelter as part of the equipment furnished by the Bureau.

(b) None of the following shall be liable for the death of or injuries to persons or damage to property, except in cases of gross negligence, improper conduct, or bad faith:

- (1) The Government of Puerto Rico and its employees, the municipalities and their employees when carrying out their duties and activities;
- (2) The emergency and disaster management agencies or entities and their employees when carrying out their duties and activities;
- (3) Any volunteer who renders emergency management services.

Section 6.14.- Violations and Penalties

Any person who commits any of the following acts shall be punished by imprisonment for a term not to exceed six (6) months or a fine not to exceed five thousand dollars (\$5,000), or both penalties at the discretion of the court:

- (a) Raising a false alarm with respect to the imminent occurrence of a catastrophe in Puerto Rico, or spreading rumors or raising a false alarm regarding nonexistent anomalies under a state of emergency or disaster.
- (b) Failing to observe civilian population evacuation orders issued by the Department or its Bureaus as part of the enforcement of its plan in the event of emergency or disaster.
- (c) Hindering the evacuation, search, reconstruction or assessment and investigation of damages conducted by federal, state, or municipal agencies, while a state of emergency declared by the Governor of Puerto Rico through an Executive Order is in effect.
- (d) Persisting in carrying out any activity that endangers his life or the lives of other persons, after having been warned by the authorities once a hurricane warning has been issued or a state of emergency has been declared by the pertinent authorities, or while a state of emergency declared by the Governor of Puerto Rico through an Executive Order is in effect.

Section 6.15.- Savings Clause

For all legal purposes, the Emergency Management and Disaster Administration Bureau shall be the successor of the Puerto Rico Emergency Management and Disaster Agency, as such entity operated under Act No. 211-1999, as amended, known as the “Commonwealth of Puerto Rico Emergency Management and Disaster Administration Agency Act.”

Any reference to the Puerto Rico Emergency Management and Disaster Agency and/or its Director made in any regulations, Executive Order, or other official document of the Government of Puerto Rico shall be understood to be referring to the Emergency Management and Disaster Administration Bureau created herein. Likewise, it shall be understood that any law that makes reference to the Puerto Rico Emergency Management and Disaster Agency and/or its Director is hereby amended to be substituted for the Emergency Management and Disaster Administration Bureau, and the Commissioner of the Emergency Management and Disaster Administration Bureau, respectively, insofar as its provisions are not in conflict with the provisions or purposes thereof.

CHAPTER 7: BUREAU OF MEDICAL EMERGENCY CORPS

Section 7.01.- Bureau of the Medical Emergency Corps; Creation and Purpose

The “Bureau of the Medical Emergency Corps” is hereby created in the Government of Puerto Rico attached to the Department of Public Safety.

The Bureau shall be responsible for guaranteeing citizens in general a high quality service when they unexpectedly need first aid, pre-hospital medical care, and/or transportation to an appropriate medical hospital in order to preserve their health or to reduce the possibility of permanent damage or disability that could arise as a consequence of an illness or an accident.

Section 7.02.- Bureau of the Medical Emergency Corps; Authority

The Governor of Puerto Rico shall have supreme authority with respect to the direction of the Bureau of the Medical Emergency Corps; however, the administration and immediate supervision thereof shall be delegated to the Secretary of the Government of Puerto Rico Department of Public Safety.

The office of the Commissioner of the Bureau of the Medical Emergency Corps is hereby created to be in charge of the daily operations of the Bureau. The Commissioner of the Bureau of the Medical Emergency Corps shall be appointed by the Governor with the advice and consent of the Senate of Puerto Rico. The office of Commissioner of the Bureau shall be classified as a trust position and the person appointed thereto shall hold such office at the discretion of the Governor.

The Commissioner shall have at least four (4) years of experience in the emergency service field, in addition to having administration knowledge and skills.

The Commissioner of the Bureau of the Medical Emergency Corps shall prescribe, through regulations, the chain of command in the event of absence, disability, or death of the Commissioner.

Section 7.03.- Definitions

For purposes of this Chapter, the following terms shall have the meaning stated below, unless the context clearly indicates otherwise:

(a) “Commissioner” - Means the Commissioner of the Bureau of the Medical Emergency Corps of Puerto Rico.

(b) “Medical Emergency” - Means an unforeseeable health condition which calls for medical assistance, first aid, or pre-hospital medical care, and transportation to an appropriate medical hospital facility to preserve health or reduce the possibility of permanent damage or disability which may arise as a consequence of an illness or an accident.

(c) “Health Facilities” - Means those facilities identified and defined as such in Act No. 101 of June 26, 1965, as amended, known as the “Puerto Rico Facilities Act,” or by the provisions of any future legislation on this matter.

(d) “Bureau” or “Bureau of Medical Emergency” - Means the Bureau of the Puerto Rico Medical Emergency Corps.

(e) “Police” - Means a member of the Puerto Rico Police Bureau.

(f) “Health Professional” - Means any practitioner who, in accordance with the applicable laws and regulations, is duly admitted to practice any of the professions within the field of health and medical care in Puerto Rico, including, but not limited to, surgeons, dentists, pharmacists, nurses, and medical technologists as authorized by the corresponding laws of Puerto Rico.

(g) “Provider” - Means any person or entity authorized by the laws of Puerto Rico to render or provide medical hospital health care services in Puerto Rico.

Section 7.04.- Powers and Responsibilities of the Bureau of the Medical Emergency Corps

The Bureau of the Medical Emergency Corps shall have powers as necessary and convenient to achieve the purposes and enforce the provisions of this chapter, including, but not limited to the following:

(a) To adopt, alter, and use an official seal.

(b) To lease or sublet personal and real property for its own use through the Secretary.

(c) To enter into compacts and agreements with departments, agencies, corporations, entities, and municipalities of Puerto Rico, the States of the Union, and the Government of the United States of America, as well as with private institutions, whether nonprofit or for profit, when it is determined that these are necessary to achieve the objectives of this Chapter.

(d) To procure, accept, and receive from any source, donations or assistance such as money, goods, or services pursuant to applicable laws and regulations.

(e) The Bureau of the Medical Emergency Corps shall have the authority to generate its own resources and to bill third parties for services rendered. Funds collected under this provision shall be used pursuant to the priorities established by the Secretary and the Commissioner.

Section 7.05.- Powers and Responsibilities of the Commissioner

For purposes of this Act, the Secretary shall have the following powers and responsibilities:

(a) To advise the Governor of Puerto Rico and/or the Secretary of the Department of Public Safety and/or the Legislative Assembly when formulating and implementing the public policy on the medical emergency system in Puerto Rico.

(b) To coordinate the assignment of personnel from the Department of Health and any other agency to the Bureau of the Medical Emergency Corps, and vice versa, based on criteria that promote the most efficient use of human resources, without affecting the functions entrusted by law to the Bureau.

(c) To approve and promulgate regulations as are necessary to achieve the purposes of this Act.

(d) To exercise any faculties or powers as are necessary for the sound operations of the Bureau, provided that they are not in conflict with the provisions of this Act.

Section 7.06.- Commissioner; Powers and Duties

The Commissioner shall have the following powers and duties:

(a) To oversee and ensure compliance with the due process of law in all matters related to regulations and adjudication in the Bureau of the Medical Emergency Corps.

(b) To adopt through bylaws the organization and administration of the Bureau of the Medical Emergency Corps, as well as the obligations, responsibilities, and conduct of his employees, and any other matter as necessary for the sound operation of the Bureau.

(c) To keep a register wherein all emergencies tended to shall be recorded, as well as the facts relative to said emergencies, including statistics on the extent of said emergencies. Said register shall be kept with the reports rendered by the officials in charge of each region. The aforementioned reports shall be public documents, except for those regulated under the “Health Insurance Portability and Accountability Act of 1996,” (HIPAA) (Public Law 104-191).

(d) To conduct investigations as necessary to determine the cause or origin of the emergencies, as well as to prepare the corresponding reports on these cases without impairing the powers of the Puerto Rico Police and the Department of Justice to conduct investigations.

(e) To be in charge of the management and have total control over medical emergency cases across the Island, while the emergency persists. If the medical emergency occurs within a municipality that provides municipal medical emergency services, the Commissioner shall coordinate with the Medical Emergency Director of said Municipality the management of said emergency.

(f) To file with the Governor of Puerto Rico, the Secretary of Public Safety, and the Legislative Assembly an annual report stating all activities carried out by the Bureau during the preceding calendar year, together with the corresponding statistics.

(g) To solicit and receive donations of money and personal property from the federal government or any natural person, public or private entity, whether in trust or outright, or otherwise, in coordination with the Secretary of Public Safety. Provided, that these donations are to be used exclusively to achieve the objectives of this Act.

(h) To solicit and obtain technical services from any officials and employees of the Government of Puerto Rico which, in his judgment, are necessary to achieve the purposes of this Act, upon authorization from the head of the concerned agency, outside of the employee's working hours and without being subject to the provisions of Section 177 of the Political Code of 1902. He may also request from government agencies, and these may authorize, the detail of public employees in said agency in order to achieve the purposes of this Act.

(i) To collaborate with and advise those persons who so request in the preparation of emergency plans and in the execution of drill exercises for these plans.

(j) To adopt rules and procedures to duly guarantee adequate safety conditions, means of egress, and for preventing medical emergencies in sports and recreation locations, industries, commercial establishments, schools, hotels, hospitals, and in buildings destined for exhibits, assemblies, or public performances, multistory buildings for commercial use, as well as common areas in multistory buildings for residential use, public thoroughfares, as well as any other building, structure, or land plot for a use other than residential.

(k) To ensure that insurance plans are billed for medical emergency services rendered within the territory of Puerto Rico and its possessions.

(l) To adopt rules and procedures as needed for the implementation of the preceding subsection (k).

(m) To establish, through bylaws, the official uniform of the Bureau of the Puerto Rico Medical Emergency Corps.

(n) To delegate to his subordinates any authorities, powers, duties, and responsibilities as deemed convenient in order to expedite the rendering of services.

(o) To gather and process statistical data and to render reports as required by the Secretary.

(p) To incorporate, to the extent the financial resources of the Department and the Bureau allow, a satellite tracking system to identify the location of emergency medical units in order to respond more efficiently.

Section 7.07.- Effectiveness of Agreements, Covenants, and Others

No provision of this chapter shall be construed as modifying, altering, or invalidating any agreement, contract, covenant, or claim in effect as of the date of approval of this Act and during the transfer period.

Section 7.08.- Savings Clause

The Bureau of the Medical Emergency Corps shall be the successor of the Medical Emergency Corps of Puerto Rico for all legal purposes, as said corps operated under Act No. 539-2004, as amended, known as the “Medical Emergency Corps of the Commonwealth of Puerto Rico Act.”

Any reference to the Medical Emergency Corps and/or the Executive Director of said corps in any regulation, Executive Order, or other official document of the Government of Puerto Rico shall be construed as referring to the Bureau of the Medical Emergency Corps created by this Act. Likewise, it shall be construed that every law in which reference is made to the Medical Emergency Corps and/or to the Executive Director of said corps is hereby amended for the purposes of being substituted for the Bureau of the Medical Emergency Corps of the Puerto Rico Department of Public Safety and the Commissioner of the Medical Emergency Corps, respectively, insofar as its provisions are not in conflict with the provisions or purposes thereof.

CHAPTER 8: SPECIAL INVESTIGATIONS BUREAU

Section 8.01.- Special Investigations Bureau; Creation

A law enforcement civil body to be known as the “Puerto Rico Special Investigations Bureau,” is hereby created in the Government of Puerto Rico. Said Bureau shall be attached to the Puerto Rico Department of Public Safety under the direct and non-delegable supervision of the Secretary of Public Safety.

The Special Investigations Bureau shall develop specialized techniques in the field of criminal investigation and criminal intelligence analysis in order to fulfill the duties conferred by this Act. Moreover, it shall serve as a specialized center for investigations that require a high level of expertise and for identifying possible areas of vulnerability in the fight against crime.

Section 8.02.- Special Investigations Bureau; Authority

The Governor of Puerto Rico shall have supreme authority with respect to the direction of the Special Investigations Bureau, however, the administration and immediate supervision thereof shall be delegated to the Secretary of the Puerto Rico Department of Public Safety.

The office of Commissioner of the Special Investigations Bureau is hereby created to be in charge of the daily operations of the Bureau. The Commissioner shall be appointed by the Governor of Puerto Rico with the advice and consent of the Senate of Puerto Rico. The position of Commissioner of the Special Investigations Bureau shall be classified as a position of trust and the person appointed thereto shall hold the office at the discretion of the Governor.

The person who directs the Special Investigations Bureau shall be an attorney admitted to practice law by the Supreme Court of Puerto Rico or by any entity of any jurisdiction of the United States of America empowered to grant admission to practice law, and shall have at least five (5) years of experience in the practice of criminal law or not less than five (5) years of investigative experience.

Section 8.03.- Definitions

(a) “Agent of the Bureau”- means the public servant attached to the Special Investigations Bureau who shall be empowered to investigate, report, arrest, serve court orders, keep and bear arms, and administer oaths to potential witnesses in cases under investigation by the Service[sic], as set forth in this Act. Agents of the Special Investigations Bureau shall be considered law enforcement agents for all pertinent purposes.

(b) “Commissioner” or “Commissioner of Special Investigations”- means the person appointed by the Governor to assist the Secretary in the administration and management of the Special Investigations Bureau.

(c) “Bureau” or “Special Investigations Bureau”- means the Special Investigations Bureau of the Puerto Rico Department of Public Safety.

Section 8.04.- Special Investigations Bureau; Jurisdiction

(a) The Special Investigations Bureau shall have concurrent jurisdiction over the following issues:

1. Criminal activity in connection to drug trafficking, including controlled substances and illegal arms trafficking.
2. Human trafficking, child pornography, and child abduction;
3. Serial crimes, including sexual assault, hate crimes, and homicide;
4. Cybercrimes in all aspects;
5. Commercial or bank robberies;
6. White-collar crimes;
7. Terrorism;
8. Espionage, including economic espionage, which includes obtaining proprietary information related to finances, biotechnology, trademark, and other activities subject to said practice;

9. Antitrust violations;
10. Violating privacy in communication and disclosing or publishing private communications;
11. Offenses against public integrity or public duty or that may affect the proper operation of the Government, including any omissions or negligence by public officials in the performance of their duties when such omissions or negligence is classified as a offense;
12. Political corruption;
13. Any threat against, or the assault, kidnaping, or death of a public official or public employee, former public employee or public official when the offense is reasonably related to his functions, duties, and obligations as such;
14. Bribery of public employees or public officials;
15. Any offenses against public property;
16. If issues arise as part of an ongoing investigation, the Bureau may investigate natural and/or juridical persons who have contracts with the Government of Puerto Rico or are engaged in business therewith;
17. If a former member of the Police Bureau or the Municipal Police is charged with misuse or abuse of powers. The Special Investigations Bureau shall adopt through regulations the internal investigation procedures for these cases. Provided that, once the investigation is underway, the Secretary of the Department of Public Safety, the Police Commissioner or the Municipal Police Commissioner, as appropriate, shall be notified in writing of the assumption of jurisdiction over the matter.
18. Sabotage of essential public services; and
19. Organized crime.

(b) The Special Investigations Bureau shall have exclusive jurisdiction to investigate the following cases:

(1) Whenever a member of the Police Bureau or Municipal Police Bureau is accused of misuse or abuse of power.

(2) Whenever an agent of the Special Investigations Bureau is accused of a crime, in which case the investigation shall be conducted in conjunction with the Police Bureau; and

(3) Any investigations related to criminal activities or behaviors classified as felonies in the Penal Code or other special law and which are assigned to the Bureau by the Governor, the Secretary or Commissioner due to their complexity or as a result of the public interest.

(c) No duties or functions conferred to the Special Investigations Bureau by this Act shall be construed or interpreted as limiting whatsoever the duties and functions conferred by law to the Puerto Rico Police Bureau or to any other state or municipal body whose duty is to achieve the fulfillment of the laws. However, the Bureau shall have the authority to take over the investigation whenever a case falls under the exclusive jurisdiction thereof.

(d) The Special Investigations Bureau shall communicate, cooperate, and coordinate closely with the rest of the Bureaus under the Department, the Office of the Special Independent Prosecutor's Panel as well as with all of the agencies in charge of the administration of Criminal Justice in Puerto Rico and in the rest of the jurisdictions of the United States.

Section 8.05.- Commissioner of the Special Investigations Bureau; Powers

The Commissioner of the Special Investigations Bureau shall have the following powers:

(a) To establish through regulations and with the consent of the Secretary the organization and basic structure of the Special Investigations Bureau and create investigation sections as deemed reasonable in order to fully comply with the provisions of this Act.

(b) To prescribe by regulations the chain of command in the event of his absence, disability, or death.

(c) To order the appearance and testimony of witnesses and the production of papers, books, documents, or any other evidence through a subpoena.

(d) To bear firearms for the defense of self and family, even after ceasing to hold such office and as long as he can demonstrate mental and moral capacity.

Section 8.06.- The Special Investigations Bureau; Duties and Powers

The Special Investigations Bureau shall have the following duties and powers:

(a) To investigate, determine, and evaluate the nature and extent of the criminal activity in the areas under its jurisdiction;

(b) To gather the evidence necessary for the district attorneys of the Department of Justice to initiate the appropriate judicial action with regard to any of the activities provided in this Act;

(c) To file the appropriate actions before the courts, in conjunction with the district attorneys of the Department of Justice, in such cases where there is cause to criminally prosecute.

(d) To coordinate criminal investigations or activities related to the fight against crime with other state, municipal, or federal agencies or with other jurisdictions of the United States of America that are engaged in crime fighting or support said coordination;

(e) To act as an investigative body and a link between the Government of Puerto Rico, the International Criminal Police Organization (INTERPOL), and other international investigative bodies;

(f) To refer information gathered from investigations to agencies engaged in the fight against federal crimes or to agencies from other jurisdictions of the United States of America as deemed prudent or necessary.

(g) To improve the State's capacity to investigate and fight crime as well as the knowledge and comprehension of criminal activity; to gather and collate information and statistics, as well as conduct studies on criminal activity; and to develop education programs, seminars, and conferences, among others, on criminal activity and on how all government agencies can cooperate more effectively;

(h) The Special Investigations Bureau shall evaluate the estimated profits as a result of infiltration as well as the foreseen increase in criminal activity with regard to the issue of organized crime;

(i) To collect evidence on such judicial processes and administrative procedures wherein the State is an interested party;

(j) To take all pertinent and necessary steps to maintain the high level of professionalism as well as the specialized knowledge of the personnel of the Special Investigations Bureau and other personnel in charge of implementing the criminal justice system in the areas under the Bureau's jurisdiction;

(k) To submit recommendations to the Commissioner of the Special Investigations Bureau and the Secretary on the coordination of intelligence operations (collection, analysis, evaluation, and dissemination of all criminal information) or security operations of the various agencies of the Government of Puerto Rico;

(l) To periodically notify the Secretary and the Governor of any extraordinary issues related to the security operations of the various agencies of the Government of Puerto Rico;

(m) To carry out all additional services necessary and those that the Secretary determines would be rendered more effectively in a centralized manner for the benefit of the existing security agencies;

(n) To perform any other functions and duties related to security or intelligence that the Commissioner of the Special Investigations Bureau and the Secretary assign thereto from time to time or that are essential to duly comply with the provisions of this Act;

(o) To act in conjunction and collaboration with the Department of the Treasury in order to follow the money trail from criminal activities or that is the direct or indirect result thereof, including but not limited to, money laundering;

(p) To collaborate with the Office of the Special Independent Prosecutor's Panel, as per its request, in the investigation and prosecution of crimes against officials under the jurisdiction of said Office.

Section 8.07.- Agents of the Special Investigations Bureau; Authorities

The authorities, powers, and functions to investigate, which are delegated to the Special Investigations Bureau under this Act, shall be discharged by the Agents of the Special Investigations Bureau, who shall be empowered to:

- (1) Make accusations;
- (2) Make arrests;
- (3) Execute warrants;
- (4) Keep and bear firearms; and
- (5) Administer oaths to potential witnesses in cases under the Bureau's investigation.

Section 8.08.- Attendance of Witnesses

Any witness summoned by the Commissioner of the Special Investigations Bureau or by any of its authorized agents who fails to appear in court to testify or fails to produce the evidence required shall be guilty of a misdemeanor.

Moreover, if a witness, summoned by the Commissioner of the Special Investigations Bureau or by any of its authorized agents, fails to appear in court to testify or fails to produce the evidence required, the Commissioner of the Special Investigations Bureau or his legal representative may request the Court of First Instance to compel the witness to appear and testify or to produce any evidence required, as the case may be. Upon the filing of the foregoing request, the Court of First Instance shall issue subpoena for a witness to appear and testify or to produce the evidence requested or both. Any person willfully neglecting obedience to such subpoena shall be deemed guilty of contempt of court.

Section 8.09.- Special Investigations Bureau; Access to Dossiers, Files, and Records for Inspection

The Special Investigations Bureau shall have access to inspect the dossiers, files, and records of the agencies of the Government of Puerto Rico, including the Puerto Rico Police Bureau or any other municipal or state body whose function is to ensure observance of laws within the scope established by the Secretary and approved by the Governor of Puerto Rico. However, the files and records of the Governor shall be restricted from access or inspection, except with the express authorization of the acting Governor.

Nonetheless, the Special Investigations Bureau shall adopt precautionary measures that guarantee the confidentiality of the content of the dossiers, files, or records referred to in the preceding paragraph.

Section 8.10.- Special Investigations Bureau; Authorization for Disclosure of Information

(a) Any employee, official, officer, or person who carelessly, by omission or deliberately offers information, publishes or publically comments on any official action, activity, investigation, or act of the Special Investigations Bureau that is confidential or privileged without prior authorization therefor, shall be guilty of a

felony and upon conviction, punished by imprisonment for a fixed three (3)-year term. Should there be aggravating circumstances, the fixed penalty established herein may be increased to a maximum of five (5) years and should there be mitigating circumstances, said penalty may be reduced to a minimum of two (2) years. Said offense shall not be construed as a limitation to the People's and the press's constitutional right to access public information.

(b) Any person who uses or orders the use of any of the powers, authorities, or duties conferred to the Special Investigations Bureau under this Act in order to violate the civil rights of a citizen for political purposes, private or family interests of any kind, or for purposes other than the ones provided in this Act shall be guilty of a felony.

Section 8.11.- Savings Clause

Any reference to the Special Investigations Bureau of the Department of Justice or to the Director of the Special Investigations Bureau in any regulation, Executive Order, or other official document of the Government of Puerto Rico shall be construed as referring to the Special Investigations Bureau of the Puerto Rico Department of Public Safety created under this Act. Moreover, it shall be construed that any Act that makes reference to the Special Investigations Bureau of the Department of Justice and to the Director of the Special Investigations Bureau is hereby amended to substitute same for the Special Investigations Bureau of the Puerto Rico Department of Public Safety and the Commissioner of the Special Investigations Bureau, respectively, in accordance with the provisions of this Act and insofar as its provisions are not in conflict with the provisions or purposes thereof.

CHAPTER 9: FINAL PROVISIONS

Section 9.01.- Repeals

Act No. 53-1996, as amended, known as the “Puerto Rico Police Act”; Act No. 43 of June 21, 1988, as amended, known as the “Puerto Rico Firefighters Corps Act”; Act No. 211-1999, as amended, known as the “Commonwealth of Puerto Rico Emergency Management and Disaster Administration Agency Act”; Act No. 144-1994, as amended, known as the “9-1-1 Calls Act”; Act No. 13 of July 24, 1985, as amended, known as the “Puerto Rico Institute of Forensic Sciences Act”; Reorganization Plan No. 2-1993, as amended, known as the “Safety and Public Protection Commission”; and Chapter III of Reorganization Plan No. 5-2011, known as the “Reorganization Plan of the Department of Justice of 2011,” are hereby repealed.

Section 9.02.- Transitory Provisions

The Executive Committee shall submit a Report to the Governor within sixty (60) days from the approval of this Act containing the evaluation conducted in the agencies that shall constitute the Department as well as the recommendations of the Committee on the transfer of property, resources, and personnel, pursuant to the provisions of this Act. Moreover, it shall certify to the Governor if, pursuant to the evaluation conducted, the Department is prepared to assume the duties delegated thereto by this Act.

No consolidation of agencies, entities, or instrumentalities included under the Department of Public Safety shall begin until the Office of Management and Budget certifies the estimated savings achieved through such consolidation and the Executive Committee certifies that the Department is prepared to assume the duties delegated by this Act and ensures the continuity and flow of federal funds for every agency. The Secretary of Public Safety shall certify to the Governor when such requirements have been met in order for the consolidation of the entities included

under the Department of Public Safety to begin in an orderly fashion. In addition, the Governor is hereby empowered to direct the Secretary, as he deems necessary, to gradually carry out the appropriate transfers in order to comply with the purposes provided herein.

The consolidation process of the Police Bureau shall be subject to the fulfillment of the terms of the Agreement for the Sustainable Reform of the Puerto Rico Police Department between the U.S. Department of Justice, the Government of Puerto Rico, and the Police Commissioner. The fusion provided in this Act shall be carried out in conjunction with the federal authorities that are part of and/or supervise the agreement for the Reform of the Puerto Rico Police.

During the remainder of Fiscal Year 2016-2017 and until the consolidation provided herein is completed, the Executive Committee shall operate with funds originally appropriated to the agencies converted into Bureaus by this Act.

The Secretary is hereby required to prepare, request, negotiate, accept, prepare, and execute the Department's budget including the Bureaus thereof during subsequent fiscal years.

Section 9.03.- Heads of Agencies Whose Organic Laws Were Repealed

Heads of agencies confirmed by the Senate of Puerto Rico under the previous legislation before the approval of this Act shall become Commissioners of the successor Bureau without the need for the Senate's consent.

Section 9.04.- Regulations Adopted Under Previous Laws

All regulations, orders, resolutions, circular letters, and other administrative documents of the agencies hereby converted into Bureaus and attached to the Department of Public Safety by the foregoing Act shall remain in effect insofar as they are consistent with this Act until they are expressly amended, supplemented, repealed, or declared ineffective by the Secretary.

Section 9.05.- Special Provisions

No provision of this Act shall modify, alter, or invalidate any agreement, covenant, or contract duly executed by the agencies hereby converted into Bureaus and attached to the Department of Public Safety that are still in effect as of the approval of this Act.

None of the provisions of this Act limit or modify the powers of the Office of Management and Budget as well as those of any agency of the government of Puerto Rico empowered to supervise public finances, and to evaluate and authorize such transactions that are required by any Act, Regulation, Executive Order, Circular Letter, or Administrative Order.

Section 9.06.- Severability Clause

If any clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act were held to be null 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 holding shall be limited to the clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act thus held to be null or unconstitutional. If the application to a person or a circumstance of any clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act were held to be null 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, nullifies, 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. This Legislative Assembly would have approved this Act regardless of any determination of severability that the Court may make.

Section 9.07.- Effectiveness

This Act shall enter into effect one hundred and eighty (180) days after its approval. However, Sections 1.03, 1.04, 1.13, 1.14, and 9.02 shall enter into effect immediately. The Governor is hereby authorized to appoint the Secretary of the new Department of Public Safety immediately after the approval of this Act. Likewise, the Secretary is hereby authorized to promptly constitute the Executive Committee pursuant to the provisions of Chapter I of this Act so that a proper transition process may be initiated in accordance with the provisions of Section 9.02 during the period between the approval of this Act and date of effectiveness thereof.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 20-2017 (H. B. 741)** of the **1st Regular Session** of the **18th Legislative Assembly of Puerto Rico**:

AN ACT to establish the Puerto Rico Department of Public Safety for the purposes of creating a new system comprised of all of the components that administer the public safety in Puerto Rico; allow for the sharing of personnel and administrative expenses; create the Puerto Rico Police Bureau; create the Bureau of the Puerto Rico Firefighters Corps; create the Forensic Science Bureau; create the 9-1-1 Emergency Systems Bureau; create the Emergency Management and Disaster Administration Bureau; create the Bureau of the Puerto Rico Medical Emergency Corps; create the Puerto Rico Special Investigations Bureau; repeal Act No. 53-1996, as amended, known as the “Puerto Rico Police Act”; repeal Act No. 43 of June 21, 1988, as amended, known as the “Puerto Rico Firefighters Corps Act”; [...]

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

In San Juan, Puerto Rico, on this 28th day of June, 2018.

Orlando Pagán-Ramírez
Director