

(H. B. 1038)

(No. 35-2010)

(Approved March 26, 2010)

AN ACT

To amend the Title and Section 1 of Act No. 227 of August 23, 2004, in order to correct an error in the wording whereby Section 12 of Act No. 53 of June 10, 1996, as amended, known as the “Puerto Rico Police Act,” was incorrectly amended, and to include the raise in the salary schedule established therein in the appropriate part of Section 13; to repeal current Section 12 of Act No. 53 of June 10, 1996, as amended, and replace it with a new Section 12 in order to reestablish the wording previously in effect; to provide the effective term of actions taken, decisions made, and vested rights conferred by virtue of legislative intent for the period in which the erroneously worded Act was in effect; and for other purposes.

STATEMENT OF MOTIVES

Upon approving the Puerto Rico Police Act currently in effect, Act No. 53 of June 10, 1996, Section 12, subsection (a) of said Act defined the ranking schedule of the regular police force and provided the appropriate requirements. After the approval of said Act, the amendments that followed affected the contents of Section 12. Namely, Act No. 10 of January 5, 2002, reestablished the promotion on merit system and Act No. 106 of May 4, 2004, created some offices for School Protection Officers and added new requirements and rank titles to Section 12.

However, on August 23, 2004, Act No. 227 was passed, whereby a salary raise was approved for the Puerto Rico Police, with an evidently erroneous wording, indicating that subsection (a) of “Section 12” of Act No. 53, *supra*, was being amended so as to set forth a new salary schedule. A study of the Puerto Rico Police Act, as approved, shows that, in order to raise salary schedules, subsection (a) of Section THIRTEEN, NOT Section 12, required amendment.

This error has already been recorded on the compilation of Laws of Puerto Rico Annotated in the form of a lack of definition of the schedule and the requirements for the various ranks. This is not a sustainable situation, insofar as such compilation, although made by a private entity, is accorded a presumption of correctness and of use as prima facie evidence of the contents of the laws in effect.

This Act corrects the error in wording of Act No. 224 [sic] of August 23, 2004, so that the correct reference to Section 13 of the Puerto Rico Police Act is made, and this amendment shall take retroactive effect in order for the actions taken, decisions made, and vested rights conferred under the most recent salary raises to remain in effect. Furthermore, so as to leave no room for doubt about the contents of Section 12, its text is again enacted by incorporating the amendments made under Acts No. 10 of January 5, 2002, and No. 106 of August 4, 2004, and it is hereby directed that, for all legal purposes, any actions taken, decisions made, and vested rights conferred under the Act, in terms of grades and ranks, between August 23, 2004, and the effective date of this Act, shall remain in effect.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.—The title of Act No. 227 of August 23, 2004, is hereby amended to read as follows:

“To amend subsection (a) of Section 13 of Act No. 53 of June 10, 1996, as amended, to increase the basic rate of the salary schedules of the Police Officer or Agent to two thousand one hundred dollars (\$2,100) and to provide an increase in the salary of the members of the Puerto Rico Police Ranking System from the rank of Police Officer or Agent, in the amount of two hundred and twenty-five dollars (\$225) per month, beginning on October 1, 2004; to increase the basic rate of the salary schedules of the Police Officer or Agent to two thousand two hundred dollars (\$2,200) and to provide an increase in the salary of the members of the Puerto Rico Police Ranking System from the rank of Police Officer or Agent,

in the amount of one hundred dollars (\$100) per month, beginning on October 1, 2005; and to establish the provisions thereof.”

Section 2.—Section 1 of Act No. 227 of August 23, 2004, is hereby amended to read as follows:

“Section 1.—Subsection (a) of Section 13 of Act No. 53 of June 10, 1996, as amended, is hereby amended to read as follows:

(a) ...

...”

Section 3.—Section 12 of Act No. 53 of June 10, 1996, as amended, is hereby repealed and replaced with a new Section 12, to read as follows:

“Section 12.—Ranks; Uniformity.—

(a) The ranks for members of the Police Force shall be the following:

(1) School Protection Officer I.—Shall mean the member of the Police Force appointed on a probationary basis to keep watch in order to maintain order and protect life and property in the school community.

(2) School Protection Officer II.—Shall mean the member of the Police Force that has passed probation to keep watch in order to maintain order and protect life and property in the school community.

(3) Cadet.—A member of the Police Force, as defined in Section 2, subsection (b) of this Act.

(4) Police Officer.—A member of the Police Force, as defined in Section 2, subsection (a) of this Act, who holds at least an Associate Degree conferred by a college or university certified or accredited by the Council on Higher Education of Puerto Rico.

(5) Sergeant.—A Police Officer who has been promoted to the rank of Sergeant after passing the tests and meeting the requirements, as per the regulations set forth by the Superintendent, who holds at least an Associate

Degree conferred by a college or university certified or accredited by the Council on Higher Education of Puerto Rico, or who has been promoted on merit as established under Section 6 of this Act. The rank of Sergeant constitutes the first line of command in the uniform ranking system of the Puerto Rico Police.

(6) Second Lieutenant.—A Sergeant who has been promoted to the rank of Second Lieutenant after passing the tests and meeting the requirements, as per the regulations set forth by the Superintendent, who holds at least an Associate Degree conferred by a college or university certified or accredited by the Council on Higher Education of Puerto Rico, or who has been promoted on merit as established under Section 6 of this Act.

(7) First Lieutenant.—A Second Lieutenant who has been promoted to the rank of Second Lieutenant after passing the tests and meeting the requirements for this rank, as per the regulations set forth by the Superintendent, who holds at least an Associate Degree conferred by a college or university certified or accredited by the Council on Higher Education of Puerto Rico, or who has been promoted on merit as established under Section 6 of this Act.

(8) Captain.—A First Lieutenant who has been promoted to the rank of Captain after passing the tests and meeting the requirements for this rank, as per the regulations set forth by the Superintendent, who holds at

least a Bachelor's Degree conferred by a college or university certified or accredited by the Council on Higher Education of Puerto Rico, or who has been promoted on merit as established under Section 6 of this Act.

(9) Inspector.—A Captain who has been promoted to the rank of Inspector by appointment made by the Superintendent with the confirmation of the Governor, pursuant to Section 5, subsection (e) of this Act, who holds at least a Bachelor's Degree conferred by a college or university certified or accredited by the Council on Higher Education of Puerto Rico.

(10) Commander.—An Inspector who has been promoted to the rank of Commander by appointment made by the Superintendent with the confirmation of the Governor, pursuant to Section 5, subsection (e) of this Act, who holds at least a Bachelor's Degree conferred by a college or university certified or accredited by the Council on Higher Education of Puerto Rico.

(11) Lieutenant Colonel.—A Commander who has been promoted to the rank of Lieutenant Colonel by appointment made by the Superintendent with the confirmation of the Governor, pursuant to Section 5, subsection (e) of this Act, who holds at least a Master's Degree or its equivalent, conferred by a college or university certified or accredited by the Council on Higher Education of Puerto Rico.

(12) Colonel.—An Officer whose rank is permanent by appointment made by the Superintendent with the confirmation of the Governor, pursuant to Section 5, subsection (e) of this Act, who holds at least a Master's Degree or its equivalent, conferred by a college or university certified or accredited by the Council on Higher Education of Puerto Rico.

(b) The Puerto Rico Police shall be constituted into a unified organization system under which the Superintendent shall determine the best use of human resources, as provided in Section 5, subsection (e) of this Act.

(c) The creation of any rank, classification, or specialized classification for members of the Police Force other than those provided in this Act is hereby prohibited.

(d) No Police Force official who has not been a member for a term of fifteen (15) years or more may be considered for promotion to the ranks of Inspector, Commander, Lieutenant Colonel, or Colonel.

(e) All the academic requirements established herein shall apply pursuant to the provisions of subsection (c) of Section 38 of this Act.”

Section 4.—For all legal purposes, the amendments made under Sections 1 and 2 of this Act to Act No. 227 of August 23, 2004, shall have retroactive effect to August 23, 2004, and any and all actions taken, decisions made, or vested rights conferred under said Act as of that date pertaining to the salary schedules of members of the Police Force shall remain in effect.

Section 5.—For all legal purposes and notwithstanding the provisions made under the original wording of Act No. 227 of August 23, 2004, between said date of effectiveness and the date of effectiveness of this Act, Section 12 of Act No. 53 of June 10, 1996, shall be deemed to be in effect as approved and subsequently amended under Acts No. 10 of January 5, 2002, and No. 106 of May 4, 2004, in all that pertains to ranking schedules of the Police Force, and any and all actions taken, decisions made, or vested rights conferred thereunder shall remain in effect.

Section 6.—This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 35-2010 (H. B. 1038)** of the **3rd Session of the 16th Legislature** of Puerto Rico:

AN ACT to amend the Title and Section 1 of Act No. 227 of August 23, 2004, in order to correct an error in the wording whereby Section 12 of Act No. 53 of June 10, 1996, as amended, known as the "Puerto Rico Police Act," was incorrectly amended, and to include the raise in the salary schedule established therein in the appropriate part of Section 13; to repeal current Section 12 of Act No. 53 of June 10, 1996, as amended, and replace it with a new Section 12 in order to reestablish the wording previously in effect; to provide the effective term of actions taken, decisions made, and vested rights conferred by virtue of legislative intent for the period in which the erroneously worded Act was in effect; and for other purposes.

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

In San Juan, Puerto Rico, on the 15th day of June, 2012.

María del Mar Ortiz Rivera