

(H. B. 3773)

(No. 50-2012)

(Approved February 29, 2012)

AN ACT

To renumber current subsection (w) as subsection (aa); add a new subsection (w) and subsections (x), (y), and (z) to Section 18 of Act No. 205-2004, as amended, known as the “Department of Justice Organic Act”; in order to incorporate technical amendments; restore the provisions of Act No. 229-2011; and for other purposes.

STATEMENT OF MOTIVES

The Constitution of Puerto Rico establishes the Department of Justice, under the direction of the Secretary of Justice, as one of the essential executive departments to carry out the Government’s administrative duties. For such reason, it is of the utmost importance that said Department has the adequate facilities to establish a vigorous public policy to detect, fight, and prevent crime and promote the channeling of government efforts to achieve such purposes.

At present, the Department of Justice is located in Miramar. These facilities house the main office of the Department and the Special Investigations Bureau, among others. Such facilities are in advanced deterioration conditions; for such reason, the Department of Justice has requested to be provided with the power to find safe facilities where it could also be able to consolidate some of its offices. At present, the headquarters of the Department of Justice are not suitable for carrying out its constitutional duties. This situation could adversely affect the Department’s efficiency and effectiveness, thus, it is necessary to establish its facilities in a single building that meets the requirements of space and safety, and where it can adequately offer services consistent with the current architectural and technical advances and the growth that such Department has achieved to date.

For such reasons, through Act No. 229-2011, this Legislative Assembly empowered the Department of Justice to acquire and finance, by any lawful means, any real property that may be necessary to relocate and consolidate its offices in a single building, in order to achieve the centralization of its operations and render them safer and more efficient. However, inadvertently said amendment was not included among the amendments incorporated into Section 18 of the “Department of Justice Organic Act” under Reorganization Plan No. 5 of 2011. Therefore, this Legislative Assembly deems it meritorious to restore the provisions of Act No. 205, *supra*, as amended by Act No. 229, *supra*, which were inadvertently repealed with the approval of said Reorganization Plan. Moreover, since such provisions were inadvertently repealed, it is also necessary to make the effectiveness thereof retroactive to December 27, 2011, which is the date on which the Governor signed Reorganization Plan No. 5, *supra*.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Current subsection (w) is hereby renumbered as subsection (aa); a new subsection (w) and subsections (x), (y), and (z) are hereby added to Section 18 of Act No. 205-2004, as amended, to read as follows:

“Section 18.- Additional Powers and Duties.

In addition to the powers and duties conferred by this Act and by other laws and the powers and prerogatives inherent to the office, the Secretary shall have the following, without it being construed as a limitation:

(a) ...

...

(w) To acquire, lease, sublease, possess, use, and dispose of real property as may be necessary to locate its main office among other purposes consistent with this Act. Such real property may be acquired by any lawful means, including, but not limited to, the sale, assignment, exchange, or lease with an option to buy.

Likewise, once the acquisition of the property where the main office of the Department shall be located is completed, the Secretary shall be empowered to lease part of such facilities to public or private entities, provided that such lease proves to be of financial benefit.

(x) To enter into contracts to carry out construction, repair, renovation, improvement works, or to purchase personal property to furnish the acquired facilities in accordance with this Section.

(y) To finance the acquisition of real property and/or the construction, repair, renovation, improvement, and/or purchase of personal property through the Government Development Bank for Puerto Rico, or any subsidiary or affiliate thereof, or through any other public or private bank. The repayment of any obligation incurred for purposes of this provision with the Government Development Bank or any other public or private bank shall proceed from the annual budget appropriations allocated to the Department.

(z) Be empowered to reserve, encumber, or pledge, in whole or in part, the budget appropriations currently used for the payment of the rental of the different real properties that house the main office of the Department, so that such appropriations are used for making the debt service payment of any obligation incurred under this Section.

(aa) Take any other actions as are convenient and necessary to meet the purposes of this Act and all other responsibilities imposed on him/her by law.”

Section 2.- Separability Clause.

If any part, paragraph, or Section of this Act were held to be void, null, or unconstitutional by a body or Court with competent jurisdiction, the holding or ruling to such effect shall only affect the part, paragraph, or section held to be void, null, or unconstitutional.

Section 3.- Effectiveness.

This Act shall take effect retroactively to December 27, 2011.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 50-2012 (H. B. 3773)** of the **7th Regular Session** of the **16th Legislative Assembly of Puerto Rico**:

AN ACT to renumber current subsection (w) as subsection (aa); add a new subsection (w) and subsections (x), (y), and (z) to Section 18 of Act No. 205-2004, as amended, known as the “Department of Justice Organic Act”; in order to incorporate technical amendments; restore the provisions of Act No. 229-2011; and for other purposes.

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

In San Juan, Puerto Rico, on this 30th day of September, 2014.

Juan Luis Martínez Martínez
Acting Director