

(S. B. 1582)

(No. 66-2020)

(Approved July 13, 2020)

AN ACT

To amend subsections (a), (b), (c), (d), and (e) and delete subsection (f) of Section 6.14 of Act No. 20-2017, as amended, known as the “Puerto Rico Department of Public Safety Act,” in order to clarify the scope and the parameters of the offense and the penalties prescribed for those who fail to comply, disregard, or disobey an executive order of the Governor of Puerto Rico declaring a state of emergency or disaster, or establishing a curfew.

STATEMENT OF MOTIVES

Act No. 20-2017, known as the “Puerto Rico Department of Public Safety Act,”¹ was enacted to ensure public safety for all in Puerto Rico, thereby protecting the free exercise of rights. It is important for Puerto Ricans to feel confident that, in the event of an emergency, the state Government is available and ready to provide immediate and adequate assistance to safeguard their lives, health, families, and property. Likewise, it is necessary for, the Governor, the Secretary of Public Safety, and all of the emergency response personnel to have the necessary tools to provide assistance and protection to citizens. In order to effectively fulfill this duty, it is equally important that citizens be informed of both the authorities of the public safety agencies as well as the prohibited conduct, upon the declaration of a state of emergency or disaster through an executive order.

To this end, Act No. 35-2020 was enacted on April 5, 2020, to amend Section 6.14 of Act No. 20-2017. The amendment added subsections (e) and (f) in order to

¹ “Puerto Rico Department of Public Safety Act,” Act No. 20 of April 10, 2017, as amended.

address two concerns. The first one is related to the fact that, despite having implemented measures to safeguard the health, life, and safety of all Puerto Ricans through the executive orders issued to curb the exponential spread of COVID-19, some citizens failed to comply with such orders, thus endangering their lives and the lives of others negligently and irresponsibly. The second one is related to the need to prevent people from using social media or mass media to disseminate false information with the intent to cause confusion, panic, or mass hysteria on the Island while a state of emergency, disaster, or curfew is in effect. This conduct jeopardizes not only threatens our safety and social order, but also the health and life of citizens.

In view of the foregoing, and committed with the spirit of Act No. 20-2017, this Legislative Assembly deems it necessary to thoroughly re-evaluate, amend, and clarify the scope and application of Section 6.14 and conform its provisions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Subsections (a), (b), (c), (d), and (e) are hereby amended, and subsection (f) of Section 6.14 of Act No. 20-2017 as amended, known as the “Puerto Rico Department of Public Safety Act,” is hereby deleted to read as follows:

“Section 6.14.-Violations and Penalties

Any natural or juridical person who commits any of the following acts intentionally, knowingly or recklessly upon a declaration of a state of emergency or disaster by the Governor of Puerto Rico through an executive order: 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) Giving notice or knowingly raising a false alarm with respect to the imminent occurrence of a catastrophe in Puerto Rico, or disseminating, publishing, broadcasting, transferring or circulating through any means of communication, including communications media, telematics systems, social media, or any other

means of dissemination, publication or distribution of information, a notice or a false alarm, knowing that the information is false, and as a result of his conduct endangers the life, health, bodily integrity, or safety of one or more persons, or public or private property.

In the event that the warning or false alarm results in losses to the treasury, or third parties, or to public or private property in excess of ten thousand (\$10,000) dollars, or when the conduct results in physical injuries or harm to a person, such person shall be guilty of a felony punishable by imprisonment for a fixed term of three (3) years.

(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 preventive measures ordered by the Governor or the evacuation, search, reconstruction or assessment and investigation of damages conducted by federal, state, or municipal agencies.

(d) Persisting in carrying out any activity that endangers his life or the lives of other persons, after having been warned or alerted by the authorities.

(e) Failing to comply, disregard, or disobey an executive order of the Governor of Puerto Rico establishing a curfew or declaring a state of emergency or disaster.

For the purposes of this Section, the term ‘curfew’ is defined a directive issued by the Governor of Puerto Rico through an executive order, to the residents or people who are in Puerto Rico requiring them to remain at home.

The executive order shall expressly establish the periods during which people must remain at home, any additional restrictions of general application, the exceptions to the curfew, and the effective period of the order.”

Section 2.- Severability Clause

If any clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, subheading, or a part of this Act were held to be void or unconstitutional, the ruling, holding, or judgment to such effect shall not affect, impair, or invalidate the remainder of this Act. The effect of said holding shall be limited to the part of this Act thus held to be void or unconstitutional. If the application to a person or a circumstance of any part of this Act were held to be void or unconstitutional, the ruling, holding, or judgment to such effect shall not affect or invalidate the application of the remainder of this Act to such persons or circumstances where it may be validly applied.

Section 3.- This Act shall take effect upon its approval.