

(H. B. 334)

**(No. 72-2023)**

(Approved June 26, 2023)

## **AN ACT**

To amend subsection (d) of Section 5.14 of Act No. 20-2017, as amended, known as the “Puerto Rico Department of Public Safety Act,” to impose the penalty of restitution on any person who, upon the issuance of an emergency or disaster declaration through an Executive Order of the Governor of Puerto Rico, obstinately engages in any act that endangers his or her life or the lives of others, requiring rescue services from the authorities.

### **STATEMENT OF MOTIVES**

During various weather events, we have witnessed situations where people challenge nature endangering their lives and health as well as those of rescuers. In one of said incidents, two young men were rescued after becoming trapped by the swelling of the Toro Negro River in Ciales, amid the passing of tropical storm Laura in Puerto Rico. Rescue workers devoted long hours to addressing the situation caused due to the recklessness of individuals who decided to challenge nature and go river fishing despite the emergency declaration issued through Executive Order.

This forced the government to devote part of its limited resources to address this avoidable emergency, thus preventing them from addressing other emergencies that could have arisen as a result of the storm.

Reckless acts such as these not only endanger the lives of rescue workers, but also prevent government authorities from responding to other people’s emergencies.

This Legislative Assembly deems it appropriate to impose more severe punishments on persons who knowingly or recklessly endanger their lives thus requiring rescue services from the authorities and depriving other citizens from the assistance they required for their emergencies.

***BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:***

Section 1.- Subsection (d) of Section 5.14 of Act No. 20-2017, as amended, known as the “Puerto Rico Department of Public Safety Act,” is hereby amended to read as follows:

“Section 5.14.- 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) ...

...

(d) Obstinate engaging in any act that endangers his life or the lives of other persons, after having been warned or alerted by the authorities. If the person obstinately engages in the act, knowingly or recklessly, after having been warned or alerted by the authorities thus requiring rescue services by the Government’s authorities, the Court may also impose restitution for the public funds spent by emergency management and rescue entities on addressing the situation.

(e) Failing to comply, disregarding, or disobeying 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 as 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 hours 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.- This Act shall take effect upon its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 72-2023 (H. B. 334)** of the **5<sup>th</sup> Regular Session** of the **19<sup>th</sup> Legislative Assembly of Puerto Rico**:

**AN ACT** amend subsection (d) of Section 5.14 of Act No. 20-2017, as amended, known as the “Puerto Rico Department of Public Safety Act,” to impose the penalty of restitution on any person who, upon the issuance of an emergency or disaster declaration through an Executive Order of the Governor of Puerto Rico, obstinately engages in any act that endangers his or her life or the lives of others, requiring rescue services from the authorities.

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

In San Juan, Puerto Rico, on this 21<sup>st</sup> day of December, 2023.

Mónica Freire-Florit, Esq.  
Director