

(S. B. 871)

(No. 100-2023)

(Approved August 30, 2023)

AN ACT

To amend subsection (a) of Section 2.02 of Chapter II, Section 3.05 of Chapter III, and Sections 6.03 and 6.23 of Chapter VI of Act No. 168-2019, as amended, better known as the “Puerto Rico Weapons Act of 2020,” to clarify that the firearms license exemption for Puerto Rico Police officers age eighteen (18) and older applies to the members of the Puerto Rico Police Bureau as well as to the members of the Municipal Police; and for other related purposes.

STATEMENT OF MOTIVES

The work performed by the members of the Puerto Rico Police and the Municipal Police places their lives at great risk, however, Puerto Rico police officers still give it their all to provide security. Unfortunately, the number of active officers has decreased significantly in the last twenty years, therefore, it is necessary to take measures to strengthen the anti-crime plan of the Commissioner of the Puerto Rico Police. Thus, Act No. 65-2021, which amended Act No. 20-2017, as amended, better known as the “Puerto Rico Department of Public Safety,” and Act No. 168-2019, as amended, better known as the “Puerto Rico Weapons Act of 2020,” were approved in order to lower from twenty-one (21) to eighteen (18) the minimum age requirement to become a member of the Police. This allows more cadets to join the Police Academy which shall increase the number of law enforcement officers in order to make the streets safer and reduce crime.

However, there is an issue with the amendments introduced by Act No. 65-2021, because they only authorize the members of the Puerto Rico Police Bureau aged eighteen (18) and older to hold a firearms license, but fail to include the

members of the Municipal Police who are also allowed to attend the Police Academy before the age of twenty-one (21). As a result, the municipal cadets who graduate from the Police Academy are unable to do the job they were trained to do without placing their lives at an even greater risk than normal until they have attained the age of twenty-one (21).

The police should have the necessary tools to keep the streets safe without risking their lives unnecessarily. If these municipal officers are not authorized to hold a firearms license and carry a weapon in the performance of their duties, they will be unable to serve as the first line of defense at a time when citizens are demanding greater protection and safer streets.

In light of the foregoing, this Legislative Assembly deems it necessary to amend Act No. 168-2019, as amended, better known as the “Puerto Rico Weapons Act of 2020,” in order to authorize the issuance of firearms licenses to these municipal police officers. Thus, all of Puerto Rico’s police officers, including the municipal police officers, shall have the tools necessary for serving as the first line of defense.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Subsection (a) of Section 2.02 of Chapter II of Act No. 168-2019, as amended, better known as the “Puerto Rico Weapons Act of 2020,” is hereby amended to read as follows:

“Section 2.02.- Firearms License.

(a) The Firearms Licensing Office shall issue firearms licenses to any applicant who meets the following requirements:

(1) ...

...

The foregoing notwithstanding, any person who has been sworn in as a member of the Police Bureau or the Municipal Police may be issued a firearms

license without having attained the age of twenty-one (21), provided he is eighteen (18) years old or older and submits documentation attesting that he is a member of such Bureau or the Municipal Police.”

(b) ...”

Section 2.- Section 3.05 of Chapter III of Act No. 168-2019, as amended, better known as the “Puerto Rico Weapons Act of 2020,” is hereby amended to read as follows:

“Section 3.05.- Use of Shooting Ranges by Persons Without a Firearms License.

Any person older than twenty-one (21) years of age that holds and presents a valid photo I.D. may use the shooting ranges without the need to hold a valid firearms license. Under no circumstances shall this be understood to mean that a person without a firearms license may own, carry, or transport a firearm as this constitutes a violation of Section 6.05 of this Act.

...

The foregoing notwithstanding, any person who is eighteen (18) years of age or older who submits documentation attesting that he is a member of the Puerto Rico Police Bureau or the Municipal Police shall be allowed to enter and use the facilities of any shooting range.”

Section 3.- Section 6.03 of Chapter VI of Act No. 168-2019, as amended, better known as the “Puerto Rico Weapons Act of 2020,” is hereby amended to read as follows:

“Section 6.03.- Prohibition on Selling Firearms to Unlicensed Persons.

No dealer or person holding a valid firearms license shall deliver a firearm to a person who fails to show a valid Firearms License. Any person who knowingly sells, transfers, or otherwise facilitates firearms or ammunition to a person who does not hold a valid firearms license in Puerto Rico shall be guilty of a felony and, upon

conviction, shall be punished by imprisonment for a fixed term of fifteen (15) years without the right to suspended sentence, be released on parole, or enjoy the benefits of any diversion program, commutation of sentence, or an alternative to incarceration recognized in this jurisdiction, thus the full number of calendar years of the punishment imposed shall be served. If there should be aggravating circumstances, the fixed punishment established herein may be increased up to a maximum of twenty-five (25) years; if there should be mitigating circumstances, the punishment may be reduced to a minimum of ten (10) years.

...

This offense shall not apply when a dealer rents a firearm or sells ammunition, within a shooting range, to a person who is eighteen (18) years of age and a member of the Puerto Rico Police Bureau or the Municipal Police or twenty-one (21) years of age, contingent upon the circumstances, who holds and shows a government-issued photo I.D. as provided in Section 3.05 of this Act.”

Section 4.- Section 6.23 of Chapter VI of Act No. 168-2019, as amended, better known as the “Puerto Rico Weapons Act of 2020,” is hereby amended to read as follows:

“Section 6.23.- Sale of Ammunition to Unlicensed Persons.

No person shall sell, gift, assign, or transfer ammunition to persons who do not present a valid firearms or firearms dealer license or show proof of being a law enforcement officer.

...

This offense shall not apply when a dealer rents a firearm or sells ammunition, in a shooting range, to a person who is eighteen (18) years of age and a member of the Puerto Rico Police Bureau or the Municipal Police, or twenty-one (21) years of age, contingent upon the circumstances, who holds and shows a government-issued

photo I.D., as provided in Section 3.05 of this Act, for the purpose of using them in said shooting range.”

Section 5.- Severability Clause.

If any part of this Act were held to be void or unconstitutional by a competent court, the holding 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 null or unconstitutional.

Section 6.- Effectiveness.

This Act shall take effect upon its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 100-2023 (S. B. 871)** of the **5th Regular Session** of the **19th Legislative Assembly of Puerto Rico**:

AN ACT to amend subsection (a) of Section 2.02 of Chapter II, Section 3.05 of Chapter III, and Sections 6.03 and 6.23 of Chapter VI of Act No. 168-2019, as amended, better known as the “Puerto Rico Weapons Act of 2020,” to clarify that the firearms license exemption for Puerto Rico Police officers age eighteen (18) and older applies to the members of the Puerto Rico Police Bureau as well as to the members of the Municipal Police; and for other related purposes.

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

In San Juan, Puerto Rico, on this 3rd day of July, 2024.

Mónica Freire-Florit, Esq.
Director