

(H. B. 1698)
(Conference)

(No. 117-2019)

(Approved August 1, 2019)

To amend Section 4.20 of Act No. 20-2017, as amended, known as the “Puerto Rico Department of Public Safety Act,” in order to clarify the authority of the Forensic Science Bureau to dispose of identified, but unclaimed bodies within a period of ten (10) consecutive days from the autopsy, investigation and the publication of a notice by the Forensic Science Bureau on its webpage; and for other related purposes.

STATEMENT OF MOTIVES

Act No. 20-2017, as amended, known as the “Puerto Rico Department of Public Safety Act,” created a new system comprised of all the components that administer public safety in Puerto Rico, to wit, the Puerto Rico Police Bureau; the Puerto Rico Forensic Science Bureau; the 9-1-1 Emergency Systems Bureau; the Emergency Management and Disaster Administration Bureau; the Bureau of the Puerto Rico Medical Emergency Corps; and the Puerto Rico Special Investigations Bureau in order to promote a security system that is more effective, efficient, and functional, and that works in an integrated manner and with other agencies of the Government of Puerto Rico.

The Forensic Science Bureau’s duties and obligations include, among other things, conducting scientific and technological investigations for the purpose of determining the cause, manner, and circumstances surrounding an unnatural death, as well as any other scientific and technological investigations as are necessary to support other bureaus in the solving and processing of crimes.

The various problems faced by the now called Forensic Science Bureau have been part of the public discourse for years.

It is common knowledge that hurricane Maria was an unprecedented event that affected practically all aspects of Puerto Ricans' daily lives. Moreover, it revealed the various operational needs and deficiencies of the agencies of the Government of Puerto Rico. This was evident in the Forensic Science Bureau, which was the subject of many complaints due to the large number of unaddressed cases, unfinished investigations, as well as the questionable odors emanating from storage containers within its facilities.

On June 13, 2018, the Forensic Science Bureau, according to its own reports, had two hundred ninety-seven (297) bodies in its facilities of which sixty-one (61) were previously identified by family members, but unclaimed, and fifty-seven (57) had been identified at the scene, but not at the Bureau. This situation unnecessarily increases the inventory of bodies the Forensic Science Bureau keeps in its facilities. In fact, the Bureau has been forced to keep many bodies in storage containers outside of the facility's installations, which prompted several neighbors to file complaints that have been reported by news media.

In what pertains to the disposal of bodies, Act No. 20-2017 empowers the Bureau to dispose of any unclaimed body, through burial or cremation, or by donating it for scientific research, if it remains in its facilities after a period of ten (10) days from the autopsy and investigation.

In light of the foregoing, this Legislative Assembly deems it meritorious to clarify in Act No. 20-2017, as amended, that the Forensic Science Bureau has the authority to dispose of identified, but unclaimed bodies after a period of ten (10) days from the autopsy and investigation. We can thus reduce the number of bodies kept in the Bureau after the autopsy has been performed and the investigation has

concluded, thereby freeing up space in the morgue and improving the storage and managing of bodies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Section 4.20 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 4.20.- Disposal of Body by Private Persons.

If the body remains unclaimed in accordance with the provisions of Section 14 of Act No. 296-2002, as amended, and six (6) days have elapsed from the autopsy and investigation, any person or entity may claim it for burial or cremation; provided, that the following requirements are met

- (a) The person that claims the body is of legal age.
- (b) The person that claims the body shall submit a negative criminal record certificate to the Bureau.
- (c) The person or entity that claims the body must have been connected in any way to the deceased or the deceased must have been a member of the claiming entity.
- (d) If the person who claims the body is a member of a civic or religious entity, said person must provide a formal request issued by said organization to claim the body and prove that the deceased was a member of said entity.
- (e) By means of a sworn statement, the person or entity shall:
 1. Prove their motive for claiming the deceased.
 2. Prove their connection to the deceased.
 3. Describe the steps taken to locate the family of the deceased or prove that they have no knowledge of their whereabouts.

4. State the name of the institution that shall bury or cremate the deceased.
5. The person claiming the body shall provide to the Bureau information or documents attesting to the information contained in the sworn statement.

Once the period to claim the body has elapsed in accordance with this Act, neither the Department of Public Safety or the Forensic Science Bureau shall be held civilly liable upon release of the body pursuant to the provisions of this Act, in the absence of a timely claim by a person with priority within the period provided by law.

Any unclaimed bodies in the Forensic Science Bureau shall be made available for disposal by the Bureau through burial or cremation, according to the available resources, if a period of ten (10) consecutive days has elapsed after the autopsy and investigation. The Forensic Science Bureau shall publish on its webpage a list of the unclaimed bodies and the date from which the Bureau may dispose of them. Any unclaimed bodies may be used for scientific research according to the best interests of the Government and society in general.

This Section shall also apply to identified, but unclaimed bodies.”

Section 2.- Effectiveness.

This Act shall take effect upon its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 117-2019 (H. B. 1698) (Conference)** of the **5th Regular Session** of the **18th Legislative Assembly of Puerto Rico**:

AN ACT amend Sections 4.20 of Act No. 20-2017, as amended, known as the “Puerto Rico Department of Public Safety Act,” in order to clarify the authority of the Forensic Science Bureau to dispose identified, but unclaimed bodies within ten (10) consecutive days from the autopsy, investigation, and the publication of a notice by the Forensic Science Bureau on its webpage; 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 18th day of April, 2022.

Mónica Freire-Florit, Esq.
Director