

(H. B. 2075)

(No. 135-2020)

(Approved September 1, 2020)

AN ACT

To create the Puerto Rico Forensic Science Institute; define its functions and duties; appropriate the resources necessary for its creation and operation; establish penalties; amend Sections 1.06, 1.16, and 2.04; eliminate Chapter 4; renumber chapters 5 through 9 as chapters 4 through 8, respectively; and renumber sections 5.01 through 9.07 as sections 4.01 through 8.07, respectively, of Act No. 20-2017, as amended, known as the “Puerto Rico Department of Public Safety Act,” to conform it to the Institute herein created; and for other related purposes.

STATEMENT OF MOTIVES

Act No. 20-2017, as amended, known as the “Puerto Rico Department of Public Safety,” sought to consolidate the Government’s security functions under a single department, whose primary mission is to prepare, prevent, defend, and protect our Island and its residents. Furthermore, Act No. 20-2017 established that the Puerto Department of Public Safety would be composed of the Puerto Rico Police Bureau; the Bureau of the Puerto Rico Firefighters Corps; the Puerto Rico Forensic Science Bureau; the 9-1-1 Emergency System Bureau; the Emergency Management and Disaster Administration Bureau; the Bureau of the Medical Emergency Corps of Puerto Rico; and the Puerto Rico Special Investigations Bureau.

Act No. 20, *supra*, also created a civil body called the “Forensic Science Bureau.” The Bureau has the duty and obligation to conduct scientific and technological investigations for the purpose of determining the cause, manner, and circumstances of death of any person who did not die by natural causes. It also has

the obligation to conduct any other scientific and technological investigations as are necessary to support the other bureaus of the Department of Public Safety in solving and prosecuting crime.

The powers and duties delegated to the Forensic Science Bureau include:

(a) To investigate for the purpose of determining the cause, manner, and circumstances of the death of any person who dies under any of the situations stated in this Act.

(b) To work closely with the Office of Criminal Investigation and Prosecution of the Department of Justice, the Puerto Rico Police Bureau or any other pertinent agency or bureau, as well as when required by the courts of Puerto Rico, to conduct the necessary examinations in the areas of forensic science and criminology and in the investigation and prosecution of any criminal case in which its services are required. Furthermore, it may render services to other agencies or instrumentalities of the Government of Puerto Rico, the municipal police, federal agencies, and other jurisdictions that so request.

(c) To hire professional services as are necessary to discharge its duties, upon previous authorization of the Secretary.

(d) To promote the development of forensic pathologists, forensic scientists, forensic science technicians, criminologists, and other types of scientists that may contribute to the duties of the Bureau and/or other components of the Department.

(e) To conduct scientific and technological investigations in the fields of forensic science.

(f) To provide advice, as necessary, to all the instrumentalities of the Government of Puerto Rico on matters under its jurisdiction.

(g) To collaborate with all the pertinent instrumentalities of the Government of Puerto Rico in the disclosure of scientific-forensic topics under its

jurisdiction, including, but not limited to, investigation procedures, and scientific methods and techniques for the purpose of preventing, investigating, and fighting crimes and accidents.

(h) To collect, organize, preserve, and publish data and statistics pertaining to the Bureau's matters.

(i) To adopt an official seal of which judicial notice shall be taken and which shall be affixed to every report it submits.

(j) To carry out procurement and make emergency payments in accordance with the bylaws adopted by the Department to such effect and the resources allocated thereto for such purposes.

(k) To accept and receive any gifts or any other type of aid in cash, goods, or services, from private persons or institutions and to administer them in accordance with the terms of the gifts and the law.

(l) To solicit and obtain aid or assistance, for the purposes of this Act, in cash, goods, or services, from the Government of the United States of America, the federated states, the Government of Puerto Rico, or any agency thereof other than the Department of Public Safety, public corporations, or political subdivisions, in accordance with the applicable legislation, regulations, agreement, or contract.

(m) It may create, in coordination with the Secretary, maintain, and administer special accounts as are necessary to guarantee the granting and permanence of federal funding.

However, although we recognize the value of Act No. 20, *supra*, given that its goal is to promote a security system that is more effective, efficient, and functional, and that works in an integrated manner between its components and with other agencies of the Government of Puerto Rico, the Forensic Science Bureau has faced serious operational challenges ever since its conversion from an autonomous entity to a Bureau within another government entity.

Therefore, it is essential to establish a new Forensic Science Institute that assists in and promotes objective criminal investigations and the fair and civilized prosecution of those who violate the law, thereby maximizing the Government of Puerto Rico's operations. The establishment of this new Institute also seeks to improve the use of human and fiscal resources within a single government component. Likewise, with the creation of the Institute, its Executive Director shall be vested with the powers necessary to carry out any activities and discharge any functions relating to forensic science.

Through this Act, we provide for the creation of a body that would be solely focused on investigating the cause, manner, and circumstances of death; evaluating and analyzing the evidence of any other offense that is brought to its attention; and preserving and presenting the evidence gathered during its investigations to exonerate or establish the defendant's guilt beyond a reasonable doubt.

The Institute herein created shall have administrative and fiscal autonomy to achieve its fundamental purpose of safeguarding objectivity in investigations. For such reason, the Institute shall be funded with the general expense budget of the Government of Puerto Rico and directed by a Board of Directors with broad representation from the sectors most concerned with the administration of justice. That is, the Board shall be composed of the Secretary of Justice, who shall be its chair; the Secretary of the Department of Public Safety; the Chancellor of the Medical Sciences Campus; the Courts Administrator; the Secretary of Health; the Commissioner of the Police Bureau; and three (3) additional members appointed by the Governor with the advice and consent of the Senate of Puerto Rico. Provided, that such three (3) members shall be persons of proven capability, to wit, an attorney-at-law with five (5) years of experience in Criminal Law; a physician specialized in Forensic Pathology with five (5) years of experience or an expert

with five (5) years of experience in any of the forensic science disciplines applied by the Institute; and a private citizen who shall represent the public interest.

The members of the Board of Directors shall be responsible for establishing the administrative and operational policy of the Puerto Rico Forensic Science Institute created under this Act.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Short Title.

This Act shall be known as the “Puerto Rico Forensic Science Institute Act.”

Section 2.- Definitions.

For purposes of this Act, the following terms shall have the meaning stated below:

(a) Institute - Means the Puerto Rico Forensic Science Institute.

(b) Board - Means the Board of Directors of the Puerto Rico Forensic Science Institute.

(c) Executive Director- Means the Director of the Puerto Rico Forensic Science Institute.

(d) Forensic Scientist - Means a person who has earned a graduate degree with a major in the scientific analysis of evidence to be used in a criminal investigation by the Criminal Justice System as established by the American Academy of Forensic Sciences (AAFS). Such person shall have at least three (3) years of practical experience in the expert analysis of such evidence in a forensic institution whose operational practices are consistent with those established by the accrediting agencies.

Section 3.- Creation of the Institute.

The Puerto Rico Forensic Science Institute is hereby created as an autonomous entity. The scientific and technical divisions of the Institute shall be accredited and reaccredited by the respective accrediting institutions stated below:

(a) The Crime Laboratory, by the American Society of Crime Laboratory[sic].

(b) The Pathology Division, by the National Association of Medical Examiners.

(c) The Forensic Investigators and Security Division, by Forensic Quality Services.

(d) Other organizations of similar standing recognized nationally or internationally in the field of forensic science.

Furthermore, the Institute, as an autonomous entity, shall be part of the Federal Bureau of Investigation's genetic (DNA or Deoxyribonucleic acid) profile database, known as CODIS (The FBI Laboratory's Combined DNA Index System). To that effect, the Executive Director of the Institute shall submit an institutional plan to the Board of Directors and the Legislative Assembly establishing the courses of action to be taken to obtain such accreditations or certifications. The plan shall be submitted within six (6) months of the approval of this Act.

Section 4.- Board of Directors.

The Board of Directors created hereunder shall be responsible for establishing the administrative and operational policy of the Puerto Rico Forensic Science Institute. The Board shall be composed of the Secretary of Justice, who shall be its chair; the Secretary of Public Safety; the Chancellor of the Medical Sciences Campus; the Courts Administrator; the Secretary of Health; the Commissioner of the Police Bureau; and three (3) additional members appointed by the Governor with the advice and consent of the Senate of Puerto Rico.

The aforementioned three (3) members shall be persons of proven capability, to wit, an attorney with five (5) years of experience in Criminal Law; a physician specialized in Forensic Pathology with five (5) years of experience or an expert

with five (5) years of experience in any of the forensic science disciplines applied by the Institute; and a private citizen who shall represent the public interest.

The Secretary of Justice, the Secretary of the Department of Public Safety, the Chancellor of the Medical Sciences Campus, the Courts Administrator, the Secretary of Health, and the Commissioner of the Police Bureau may each designate a high-ranking official to represent them at the Board's meetings. Such an official must have the same decision-making authority as the Agency Head or Secretary who designated him or her in writing. Furthermore, such designated officials must be the same person who attends all meetings to ensure the continuity of the business being transacted by the Board.

Section 5.- Forensic Science Institute, Duties.

The Puerto Rico Forensic Science Institute shall have the following duties:

(a) To investigate for the purpose of determining the cause, manner, and circumstances of the death of any person who dies under any of the situations stated in this Act.

(b) To work in close collaboration with the Department of Justice, the Puerto Rico Police Bureau, or any other pertinent agency or bureau, and when required by the courts of Puerto Rico, to conduct the necessary examinations in the areas of forensic science and criminology, as well as in the investigation and prosecution of any criminal case in which its services are required. Furthermore, it may render services to other agencies or instrumentalities of the Government of Puerto Rico, the municipal police, federal agencies, and other jurisdictions that so request.

(e) The Institute shall also hold an annual symposium with seminars and workshops for the members of the Puerto Rico Police Bureau, the prosecutors of the Department of Justice of Puerto Rico, and the judges of the Court of First Instance of the General Court of Justice on modern forensic and investigation

practices and techniques for the purpose of establishing effective interagency communication during the investigation and prosecution of cases, including expert opinions during judicial proceedings.

(c) To hire professional services as are necessary to discharge its duties without being subject to the job classification and salary schedules.

(d) To promote the development of forensic pathologists, forensic scientists, forensic science technicians, and criminologists. For such purposes, the Institute, in conjunction with the Medical Sciences Campus of the University of Puerto Rico, shall develop graduate and postgraduate programs in the areas of science, medicine, and criminology. The persons who satisfactorily complete such programs shall receive the appropriate university degrees or certificates.

(f) In addition, the Institute shall create a scholarship program for advanced studies in professional and educational technical institutions, in and outside of Puerto Rico. Likewise, it shall develop a training program for the personnel of the various investigation units of the agencies.

(e) To conduct scientific and technological investigations in the fields of forensic science.

(f) To provide advice, as necessary, to all the instrumentalities of the Government of Puerto Rico on matters under its jurisdiction.

(g) To collaborate with all the pertinent instrumentalities of the Government of Puerto Rico in the disclosure of scientific-forensic topics under its jurisdiction, including, but not limited to, investigation procedures, and scientific methods and techniques for the purpose of preventing, investigating, and fighting crimes and accidents.

(h) To collect, organize, preserve, and publish data and statistics on the Institute's matters. Likewise, it shall be responsible for creating the Puerto Rico Sexual Assault Statistics Registry. To achieve the purposes of this subsection, the

Institute may require from any agency, corporation, entity, or instrumentality of the Government of Puerto Rico, including the Judicial Branch and the municipalities, any information necessary to create a Statistics Registry under its jurisdiction. The Statistics Registry shall contain, without limitation, the following information:

1. The Victim's Sociodemographic Information (age, gender, place of birth, place of residence, educational attainment, marital status, job, income, and sources of income).

2. A brief description of the facts.

3. The town and place where the facts occurred.

4. Circumstances affecting the victim's vulnerability.

5. A description of the assailant or assailants (relation to the victim, gender, and approximate age).

6. Type of sexual assault (modality and means).

7. Situations arising after the assault.

(i) To adopt an official seal of which judicial notice shall be taken.

(j) To prepare and manage its budget.

(k) To accept and receive gifts or any other type of aid, in cash or in kind, from private persons or institutions, and to administer them in accordance with the terms of the gift and the law.

(l) To procure and obtain aid or assistance, for the purposes of this Act, in cash or in kind, from the Government of the United States, the federated states, the Government of Puerto Rico, or any agency, public corporation, or political subdivision thereof, in accordance with the applicable laws, regulations, agreements, or contracts.

Section 6.- Jurisdiction of the Institute

The Institute shall render services across Puerto Rico.

Section 7.-Personnel and Organization.

The Institute's personnel shall consist of an Executive Director who shall be a qualified Forensic Scientist and serve as Puerto Rico's Forensic Scientist; Forensic Pathologists; Assistant Forensic Pathologists; Medical Examiners; Clinical Medical Examiners; Forensic Radiologic Technologists; Forensic Nurses; Forensic Investigators; Forensic Chemists; Forensic Serologists; Forensic Document Examiners; Firearms and Toolmark Examiners; Digital and Multimedia Forensic Examiners; Forensic Photographers; Forensic Pathologist' Assistants; Laboratory Technicians; Questioned Document Examiners; and the scientific, technical, and administrative personnel necessary to discharge the duties established in this Act.

To the extent practicable, the Institute shall discharge its duties by organizing its operations into technical sections which may include, but not be limited to, the following: the forensic pathology section, the toxicology section, the DNA and serology section, the forensic chemistry section, the digital and multimedia evidence section, the forensic document examination section, the firearms and toolmark identification section, the controlled substances section, and the evidence control and custody section.

The Institute's personnel shall meet the continuing education requirements prescribed by the Board through regulations in coordination with the Forensic Science Institute. Such requirements shall be based on those established by the accrediting agencies in the field of forensic science, and personnel shall perform their duties within the Institute's physical facilities or during on-site investigations. Forensic Pathologists, Firearms and Toolmark Examiners, Forensic Investigators, Forensic Chemists, Forensic Serologists, Digital and Multimedia Forensic Examiners, and Questioned Document Examiners whose training and certifications were defrayed with funds administered by the Institute shall be required to render

services in the Institute for not less than twenty-four (24) months from the date on which said training and certification period ended. If the training and certification period exceeds twenty-four (24) months, services shall be rendered for a period equal to the training and certification period. Any person who has not received a job offer from the Institute for a position in the subspecialty for which he or she was trained within thirty (30) days from the completion of the training period shall be exempt from the service requirement established above.

Except for the Executive Director, any Forensic Pathologist, Firearms and Toolmark Examiner, Forensic Investigator, Forensic Chemist, Forensic Serologist, Digital and Multimedia Forensic Examiner, and Questioned Document Examiner whose training and certification was defrayed by the Institute and resigns or voluntarily separates from service before completing the required service rendering period shall pay an amount equal to the expenses incurred by the Forensic Science Institute in said training. The payment shall be made to the name of the Forensic Science Institute.

The Institute shall promulgate regulations for such purposes and include information on the rules adopted to implement the purposes of this Act in the hiring or appointment process of such personnel.

Section 8.- Board of Directors; Duties.

The Board of the Puerto Rico Forensic Science Institute shall have the following duties:

- (a) To formulate a specific policy on the operations of the Forensic Science Institute.
- (b) To oversee and evaluate the operations of the Institute.
- (c) To approve the annual budget request and any other budget requests made by the Institute.

(d) To establish the minimum qualifications to appoint the professional employees of the Institute.

(e) To appoint the Director of the Institute and evaluate his or her work semi-annually during June and December of each year.

(f) To confirm the section or department directors and professional personnel appointed by the Director of the Institute.

(g) To draft bylaws as are necessary and consistent with the provisions of this Act in order to define the duties of the divisions or departments and of the professional, technical, and administrative personnel of the Institute.

(h) To require reports and statistical data as deemed necessary from time to time.

(i) To submit an annual report on the Institute's operations to the Governor and the Legislative Assembly.

(j) To hold regular monthly meetings and as many special meetings as are deemed necessary to ensure the most efficient operation of the Institute. The Board shall select the location for its meetings; however, it shall meet at the Institute's facilities at least twice (2) per year.

(k) To prescribe by regulations the continuing education rules, criteria, and requirements for all the technical and scientific personnel of the Institute taking into account the recommendations made by the Forensic Science Institute as well as the continuing education requirements prescribed by one or more nationally or internationally renowned accrediting organizations in the field of forensic sciences, to wit, the National Association of Medical Examiners (NAME), the American Society of Crime Laboratory Directors-Laboratory Accreditation Board (ASCLD-LAB), the Forensic Quality Services (FQS), or the Substance Abuse and Mental Health Services Administration (SAMSHA).

Section 9.- Executive Director; Duties.

The Executive Director shall direct the operations and duties of the Institute and shall remain in office so long as he or she maintains the confidence of the Board. Furthermore, the Executive Director shall submit to the Board semi-annual status reports that shall include, but not be limited to, a list of any pending expert reports. Such status report shall be part of the semi-annual evaluation established in Section 8 of this Act.

Likewise, the Executive Director may delegate any duty or authority conferred to him or her to the officials or employees of the Institute except for those authorities that he or she shares with the Board of Directors or that require the Board of Directors' approval. Moreover, the executive director shall assign administrative duties based on criteria that allow for the most efficient use of human resources while taking into consideration the following aspects, among others: a rational assignment and distribution of duties; a distribution of power consistent with the responsibilities; an appropriate selection of personnel; and allocation of resources in accordance with the needs of the Institute and its sections.

Section 10.- Classification and Compensation.

The Institute shall be an individual administrator in accordance with Act No. 8-2017, as amended, known as the "Government of Puerto Rico Human Resources Administration and Transformation Act."

The job classification and salary schedules for the Institute's personnel shall take into consideration the complexity of the functions, the educational background, and experience required for each position needed for the operation of the Institute. Any officials or employees transferred to the Institute shall retain the status and rights they held at the time of the transfer, in accordance with the regulations and laws in effect, as well as any retirement system or pension fund

established by law for officials and employees in similar positions in the State Government.

The Executive Director of the Institute shall submit a salary schedule revision plan for non-managerial employees within one (1) year of reviewing the salary schedule for managerial employees.

Section 11.- Investigation Into Cause of Death; Circumstances.

(a) It shall be the duty of the Forensic Science Institute to investigate and determine the cause and manner of death of any person who dies under any of the following circumstances:

1. As a result of criminal acts or when there is a suspicion that death resulted from criminal conduct.
2. As a result of any accident or act of violence, or any subsequent act, regardless of its nature or the time interval between such acts and the death, if there is reasonable suspicion that there is a connection between the accident or act of violence and the death.
3. By poison or suspicion of poison.
4. While in the custody of Police Bureau officers or law enforcement officers, while in prison, or as a result of an illness developed or an injury sustained while in prison, or if there is a suspicion thereof.
5. As a result of, or related to, the person's employment.
6. As a result of acute intoxication with alcohol, narcotics, or any other drug or controlled substance, or if there is a suspicion thereof.
7. By suicide or suspicion of suicide.
8. When, during an autopsy that was not initially considered medicolegal, the pathologist discovers any evidence of or suspects that death occurred as a result of criminal conduct. In such a case, the pathologist shall

suspend the autopsy and immediately notify the Forensic Scientist of his or her suspicions.

9. Suddenly or unexpectedly, while the decedent was in relative or apparent good health.

10. During or after an abortion or birth, or if there is a suspicion that it was a delivery caused or abortion performed in violation of the provisions of Act No. 146-2012, as amended, known as the “Puerto Rico Penal Code.”

11. While in a nursing home, elderly home, or “establishment,” as such term is defined in Act No. 94 of June 22, 1977, as amended, known as the “Establishments for the Elderly Act,” or a similar institution, whether a state, municipal, or private institution. In such instances, it shall not be necessary to deliver the body to the Institute unless the pathologist in charge of the case so requires.

12. While suffering from a contagious disease that may constitute a threat to public health.

13. While hospitalized in a state, municipal, or private psychiatric institution, except when the death has been duly certified by a physician to have been the result of childbirth.

14. As a result of a physical force such as electricity, heat, cold, radiation, or chemical waste disposal.

15. Due to malnutrition, abandonment, or exposure to the elements, as a result of neglect or abuse.

16. If the physician in attendance can reasonably establish that the person did not die of natural causes. Provided that a healthcare professional’s failure to complete or sign a document certifying the cause of death of a person and/or a death certificate shall not be a valid reason for delivering the body to the Forensic Science Institute for an investigation into the cause of death.

(b) Also, it shall be the Institute's duty to conduct investigations to determine the cause and manner of death of a person:

1. When a body is to be cremated, dissected, or disposed of so as to be thereafter unavailable for examination, regardless of how the death occurred. In these cases, it shall not be necessary to deliver the body to the Institute unless the pathologist in charge of the case so requires.

2. When the prosecutor investigating the death of a person so requests; this authority shall only be recognized on a case-by-case basis and when the request is duly substantiated and justified by the investigation.

(c) The Forensic Science Institute is hereby authorized to refuse to handle and/or receive cases involving bodies of persons who died of natural causes under no suspicious circumstances sent by hospitals, clinics, and others unless it is duly justified by the investigation or cause of death.

Section 12.- Mandatory Autopsy.

When a death occurs under any of the circumstances listed in paragraphs (1) through (11), inclusive, and (13) and (14) of subsection (a) of Section 11 of this Act, it shall be mandatory to perform an autopsy to determine the cause and manner of death. In the case of paragraph (14) of subsection (a) of Section 11, it shall be mandatory to perform an autopsy when ordered by the prosecutor who shall be notified of all deaths listed under said subsection. In all other cases listed in Section 11 of this Act, an autopsy shall be performed at the discretion of the Forensic Pathologist in charge of the investigation whenever any doubts arise about the cause or manner of death, or when, for any reason, such pathologist deems it necessary to better clarify the facts.

In both mandatory and discretionary autopsies, the Forensic Science Institute shall enter into its database the complaint number, if any, assigned by the Puerto Rico Police Bureau whenever a person dies under any of the circumstances listed

in this Act and include it in the autopsy report. In all cases, the Executive Director of the Institute or any of his or her Forensic Pathologists and Assistant Medical Examiners shall be authorized to perform or order the performance of an autopsy.

Section 13.- Autopsy by Request of Investigative Authorities.

The Institute shall perform an autopsy on a body when requested by a prosecutor or judge.

Section 14.- Other Investigative Services.

With regard to a criminal act that has not resulted in the death of a human being, the Forensic Science Institute, at the request of a judge, prosecutor, or defense attorney, shall also conduct all such laboratory investigations deemed essential that are within its scope to provide the necessary information and help clarify the incident in question. Insofar as the circumstances allow, the Institute shall make available its services in the areas of toxicology; analysis of controlled substances; analysis of explosives, accelerants, and residues; muzzle-to-target distance determination; glass, paint, soil, fiber, and metal comparisons; forensic serology; forensic photography; firearms identification; questioned documents; polygraphs; and forensic investigation.

Section 15.- Reporting Cases Involving Death to the Medical Examiner.

Any prosecutor or investigating judge conducting an investigation into the death of a person who appears to have died under the circumstances listed in Section 11 of this Act shall report such fact to the Institute, which, in turn, shall order the appropriate investigation.

Section 16.- Duty of Every Person to Report a Death.

(a) Any person who becomes aware of a death occurring under the circumstances described in Section 11 shall immediately report such death to the Puerto Rico Police Bureau or to any judge or prosecutor who shall, in turn, notify

the Institute. Any person who knowingly fails to report a death occurring under the above circumstances shall be guilty of a misdemeanor.

(b) Any person who, without a written authorization from the pertinent authorities, touches, removes, or disturbs the body of a person who died under such circumstances, or touches or disturbs the clothing or article upon or near the body, shall be guilty of a misdemeanor. Such prohibition excludes the physicians authorized by the Institute, and the personnel from hospitals, clinics, health centers, and other institutions which render medical-hospital services, whether public or private, when the death has not been the result of any violent or criminal act listed in paragraphs (1) and (2) of subsection (a) of Section 11. In such cases, the body may be transported and preserved in the morgue of the institution in question until a prosecutor, investigating judge, or an Institute official with the authority to do so, authorizes the removal thereof.

Likewise, any clothing and articles of the deceased, and those near the body, shall be collected and preserved intact to be subsequently placed at the disposal of the prosecutor, investigating judge, or Institute official to whom the case is assigned.

Section 17.- When the Institute Personnel Shall Investigate the Death Scene.

A forensic investigator shall be sent to the death scene accompanied by any necessary forensic personnel in order to conduct the pertinent investigations whenever the Institute receives notice of a person having died under the circumstances listed in paragraphs (1) through (7), (10), and (17), inclusive, of subsection (a) of Section 11 of this Act or when requested by a prosecutor or investigating judge.

A forensic pathologist, a toxicologist, or any other technical personnel required shall also be sent to the death scene, if necessary, in order to better clarify the circumstances and manner of death.

Section 18.- Notes on the Preliminary Investigation.

The Institute's personnel conducting a death-scene investigation shall take notes of all the circumstances deemed pertinent, such as the position and location of the body, blood stains, signs, articles, clothing, fibers, signs of violence, as well as the manner and cause of death. General and specific photographs shall be taken, and the forensic identification and studies of any other nature that may be performed at the scene shall be carried out. A preliminary report shall be submitted to the investigating judge and the prosecutor immediately.

Section 19.- Body Removal.

In all cases, the removal of the body shall be authorized by the prosecutor or investigating judge assigned to the case. The order shall specify whether the body shall be transferred to any of the Institute's facilities on the Island for an autopsy or further investigation, or if the body is to be delivered to the family.

The Institute's Forensic Pathologists and Forensic Investigators conducting a death-scene investigation shall have the same authority whenever they have determined with reasonable certainty that the death has not been the result of any violent or criminal act listed in paragraphs (1) and (2) of subsection (a) of Section 11 of this Act. In the event the forensic investigators do not arrive at the death scene and none of the criminal or violent circumstances listed in paragraphs (1) and (2) of subsection (a) of Section 11 of this Act are present, the investigating officer of the Puerto Rico Police Bureau shall prepare a report on the circumstances of death and the evidence collected at the scene. The report, which is a prerequisite for the Institute to accept the body and perform the pertinent forensic analysis, shall be delivered to the Institute along with the body.

In cases of death by fire, a preliminary report shall be provided on the circumstances of death and the evidence collected at the scene. The preliminary report, which is a prerequisite for acceptance of the body, shall be delivered to the Institute along with the body.

In the case of a death in any of the correctional institutions of the Government of Puerto Rico, the official of the Department of Corrections and Rehabilitation in charge of the institution or, in the absence thereof, the highest-ranking correctional officer, shall be responsible for drafting the report describing the circumstances of death and the evidence collected with the names, and statements of the persons who found the body. Likewise, said report shall be a prerequisite for the Institute to accept the body.

Section 20.- Autopsy Results.

When an autopsy is performed, the results thereof shall be provided to the investigating judge or prosecutor as soon as possible, together with any other information that could help them clarify the facts. The same information shall be provided to the defense attorneys and the family of the deceased.

Section 21.- Sworn Statements.

The Forensic Scientist of Puerto Rico, and the Forensic Pathologists, Assistant Forensic Pathologists, Assistant Forensic Medical Examiners, and Forensic Investigators of the Institute are hereby authorized to:

- (a) Take sworn statements in all cases investigated by them.
- (b) Keep and bear firearms.
- (c) Likewise, firearms examiners, forensic chemists, forensic serologists, the coordinators and technicians of the controlled substances program, biological, documentary, and/or digital evidence control officials and technicians, and any other personnel in charge of the Institute's security are hereby authorized to keep and bear firearms.

Section 22.- Rules and Procedures.

The Executive Director of the Institute shall propose to the Board of Directors all such rules and regulations as are necessary for the operation of the Institute and the implementation of this Act.

Section 23.- Case Records; Maintenance; Inspection

The Institute shall keep a record of all the cases it investigates, as well as those investigated by Pathologists, Forensic Examiners, Assistant Medical Examiners, or the technical personnel of the districts. Each case shall be filed under the name of the victim, if known, the police report number, if any, assigned to the particular incident by the Puerto Rico Police Bureau, the place where the body was found, and the date of death. If there is no death, the case shall be filed under the name of the defendant and the police report number, if any, assigned to the incident by the Puerto Rico Police Bureau. An index that enables quick access to any case at any time shall be maintained. In the event of death, each case file shall include the original report by the forensic pathologist, the autopsy protocol or a copy thereof, the date when it was performed, and the police report number, if any, assigned to this incident by the Puerto Rico Police Bureau. Any conducted analysis or a copy thereof, and the police report number, if any, assigned to the incident by the Puerto Rico Police Bureau, shall be included in other cases. Records shall be kept at the Institute and shall be duly protected and safeguarded against theft, fire, and inspection by unauthorized persons.

The inspection of the Institute's records by the attorneys, physicians, and other experts of the parties to any criminal or civil actions related to cases investigated by the Institute, as well as the interviews made by the latter to the professional personnel of the Institute who intervened in the case, shall be regulated by the Executive Director of the Institute, while safeguarding the fundamental rights of the parties and guaranteeing the due process of law.

Section 24.- Custody of the Personal Belongings of the Deceased.

When an autopsy is to be performed, the clothing, money, jewelry, or any other personal objects found on the body of the deceased shall be taken into custody, kept, and duly identified by the Forensic Scientist for as long as necessary for the purpose of his or her investigation. The Institute shall release to the family of the deceased any objects not needed by the Forensic Scientist for the investigation or by the prosecutor for the discharge of his or her duties.

Likewise, any object initially retained by the Institute or the prosecutor but is later deemed not to be needed for the investigation shall be delivered to the family of the deceased as soon as possible.

Section 25.- Disposition of Body.

After the autopsy or investigation, the body of the deceased shall be delivered to the family or the person responsible for the disposition of the body, upon written and signed request, according to the following order:

1. To the widow, widower, or surviving spouse, if they were living together at the time of death.
2. To the eldest child or, in case of absence or disability, to the next child in line, provided he or she is of legal age.
3. To either parent.
4. To the eldest sibling of whole blood or, in their absence, to the eldest of the half-sibling; provided they are of legal age.
5. To either grandparent.
6. To the guardian of the deceased at the time of death, or to the relative or private person who cared for the deceased in life.
7. To any person or entity authorized or required by law to dispose of the body.

Section 26.- Disposition of Body by Private Persons.

If the body remains unclaimed within six days (6) of the autopsy and investigation, in accordance with Section 14 of Act No. 296-2002, as amended, known as the “Anatomical Donations Act of Puerto Rico,” any person or entity may claim it for burial or cremation; provided, that the following requirements are met:

- (a) The claimant is of legal age.
- (b) The claimant shall submit a negative criminal record certificate to the Institute.
- (c) The person or entity claiming the body must have had a connection with the deceased or the deceased must have been a member of the claiming entity.
- (d) If the claimant is a member of a civic or religious entity, he or she must provide a formal request issued by said organization to claim the body and prove that the deceased was a member of said entity.

By means of an affidavit, the person or entity shall state:

- 1. His or her reason for claiming the deceased.
- 2. His or her connection to the deceased.
- 3. The steps taken to locate the family of the deceased or prove that they do not know their whereabouts.
- 4. The name of the institution that shall bury or cremate the deceased.
- 5. The claimant shall provide the Institute with information or documents supporting the statements made in the affidavit.

Once the period prescribed in this Act to claim a body has elapsed, the Forensic Science Institute shall be immune from civil liability for releasing the body in accordance with this Act, in the absence of a timely claim by a person with priority within the period prescribed by law.

The Institute may dispose of any unclaimed bodies left in its custody for ten (10) consecutive days after the autopsy or investigation, through burial or cremation, according to available resources. The Institute shall publish on its website a list of unclaimed bodies and the date by which it 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 bodies that have been identified but have not been claimed.

Section 27.- Misrepresentation; Misdemeanor.

If the claimant makes misrepresentations to the Institute or uses the body for any activity other than burial or cremation, said person shall be guilty of a misdemeanor and, upon conviction, be punished by imprisonment for a maximum term of three (3) months, a five-hundred-dollar (\$500) fine, or both, at the discretion of the Court.

Section 28.- Preservation of Tissue Samples and Other Evidence.

When an autopsy is performed, the Institute shall preserve all necessary blood, urine, bodily fluids, tissue samples, and organs in accordance with medical best practices, and any other objects, including, without limitation, bullets and any other foreign bodies found upon the body, to be used as evidence or corroborating evidence. Said organs, tissue, blood, urine, and bodily fluid samples and objects shall be preserved and secured so as to ensure their identity and integrity.

The blood, urine, and bodily fluid samples shall be preserved for a period of not less than six (6) months. Organs and tissue samples shall be preserved for a period not less than one (1) year. The Forensic Science Institute shall preserve a scientific sample before disposing of said samples. Evidence from other criminal cases not involving death or serious bodily injury that require analysis or examination shall be received and preserved for such purposes. The agency that

submitted the evidence for analysis shall assume custody thereof once it has been analyzed or examined by the Forensic Science Institute, except in cases involving controlled substances.

The Institute shall dispose of the evidence related to a criminal case under one or more of the following circumstances:

(a) The statute of limitations of the crime has run out.

(b) The Head of agency who submitted the evidence sends a written notice for the disposal thereof.

(c) The court has made a final and unappealable determination on the case.

The Department of Justice shall give written notice to the Forensic Science Institute of the resolution of cases in which the Institute analyzed the legal-physical evidence for the purpose of disposing of the evidence as provided in this Section.

The Executive Director of the Institute shall prescribe the procedures to comply with this Section.

Section 29.- Admissibility of Institute Reports as Evidence.

The Institute shall issue, upon request by an interested party and payment of the appropriate fees, certified copies of the autopsy reports and the reports on the scientific analyses and tests performed by the Institute's professional personnel, provided that they are not related to a crime or under criminal investigation. The certificate shall state that such documents are true and correct copies of the original in the Institute's records.

Nevertheless, when the requested autopsy and scientific analysis reports are linked to criminal cases under investigation or judicial proceedings, no copy thereof shall be issued without the approval of the Secretary of Justice or the case Prosecutor unless the request is made by a competent court. Certified copies of the reports are admissible in the Courts of Puerto Rico, subject to the Rules of Criminal Procedure. An electronic signature system shall be established to allow

the transmission of expert reports via email to the Prosecutors of the Department of Justice of Puerto Rico, the Investigative Officers from law enforcement agencies working on the case, and the Judges of the General Court of Justice, so as to ensure the reliability and authenticity of the transmitted information, in accordance with the provisions of Act No. 148-2006, as amended, known as the “Electronic Transactions Act.”

Furthermore, the Institute may implement a direct, secure, and confidential electronic communication system with the Puerto Rico Police, the Department of Justice, the Special Investigations Bureau, the Courts of Justice, and other law enforcement agencies to provide, receive, or store information regarding criminal cases that have physical, biological, digital, or documentary evidence under scientific-forensic investigation by the Institute.

Section 30.- A Copy of the Medical Record shall be attached to Cases Referred to the Institute.

Bodies referred to the Institute by hospitals, clinics, or medical centers shall be sent to the Institute with a photocopy of the deceased’s medical record and a summary thereof.

Section 31.- Video Conferencing System.

The Puerto Rico Forensic Science Institute shall install and configure a video conferencing system in its facilities in coordination with the Department of Justice and the courts of justice of Puerto Rico, which it may use to:

(a) Comply with the continuing education programs required for the accreditation, re-accreditation, association membership, and professional development of the entity’s personnel.

(b) Consult with local, national, and international experts.

(c) Discuss cases with the prosecutors and criminal investigators of the Department of Justice and other law enforcement agencies.

(d) Conduct technical reviews of cases involving experts.

(e) Provide expert testimony at any stage of court proceedings, provided that it is authorized by the judge.

Section 32.- Institute Headquarters.

The main office and laboratories of the Forensic Science Institute shall be in San Juan. The Institute shall establish, as soon as possible, regional offices and laboratories throughout Puerto Rico as are necessary to implement this Act.

Section 33.- Geographic Areas Served by Various Offices and Laboratories.

The Board of the Institute shall determine the location of the Forensic Science Institute's Regional Offices and Laboratories and their service areas.

Section 34.- Business Hours.

The Executive Director shall establish the business hours of the various offices of the Puerto Rico Forensic Science Institute so that the services of the Institute are available at all times. To that effect, it shall be ensured that the body shall be released to family members no later than forty-eight (48) business hours after the identification thereof, unless investigative or scientific circumstances prevent it.

The Institute shall comply with the time periods prescribed by the accrediting institutions listed in Section 3 of this Act, as follows:

(a) Autopsy reports shall be submitted within forty (40) business days in the case of homicide cases and sixty (60) business days in all other cases.

(b) Negative and positive toxicology tests shall be submitted within thirty (30) and forty (40) business days, respectively.

The Executive Director shall be responsible for organizing shifts, in addition to those already established, with the corresponding compensation, for the personnel performing autopsies.

Section 35.- Other Institutions; Arrangements.

Where necessary or convenient, the Institute may make arrangements, as appropriate, with the Department of Health of Puerto Rico, the units of the University of Puerto Rico System, other federal and state government institutions, and private institutions, whether they are educational or laboratory institutions, or institutions that provide medical-hospital services, to use their physical facilities in those locations in Puerto Rico in which the Institute does not have facilities of its own.

Section 36.- Services.

The Institute may make arrangements and enter into agreements, for valuable consideration, to render forensic services to public or private hospitals, clinics, health centers, and institutions that provide medical-hospital services, without impairing the Institute's duties established in this Act. Said valuable consideration shall increase the Institute's operating fund, subject to the proper accounting of public funds.

Section 37.- Duty of Physicians to Perform Autopsies.

The Executive Director of the Institute or any prosecutor or investigating judge, in coordination with the Executive Director, may require any physician qualified to perform autopsies in Puerto Rico to perform an autopsy when the circumstances warrant it. Any physician who has been required to perform an autopsy and refuses to do so shall be guilty of a misdemeanor. Any physician who performs such an autopsy shall immediately send a copy of the autopsy report to the Institute.

Section 38.- Professional Personnel; Prohibition Against Serving as Retained Expert Witnesses.

The professional personnel of the Forensic Science Institute may not serve as retained expert witnesses in civil cases. When the professional personnel of the

Institute are summoned by the court or at the request of a party to testify in a civil case for which they conducted an investigation, the court shall fix reasonable fees as appropriate, which shall be deposited with the court in advance to be subsequently transferred to the Institute's operating fund. The court shall fix the transportation expenses and per diems payable to the Institute official summoned by the court.

Section 39.- Periodic Medical Examination of Personnel.

Periodically, and not less than once (1) every year, the personnel of the Forensic Science Institute shall undergo a complete medical examination that includes all the pertinent clinical analyses. Said examinations shall be performed free of charge by the University Hospital of the Medical Sciences Campus for the Institute's personnel. The Executive Director shall be responsible for coordinating such medical examinations with the Medical Director of the University Hospital.

Section 40.- Transfer of Employees.

All personnel of the Forensic Science Bureau of the Department of Public Safety shall be transferred to the Forensic Science Institute created herein. The provisions of this Act shall not be used as grounds for dismissing any employee holding a career position. Personnel shall be assigned in accordance with the applicable administrative statutes, rules, and regulations. Likewise, personnel transactions shall comply with the provisions of Act No. 8-2017, as amended, known as the "Government of Puerto Rico Human Resources Administration and Transformation Act."

Transferred employees shall retain all vested rights in accordance with the laws, rules, and regulations applicable to them, as well as the privileges, obligations, and status with respect to any existing pension or retirement plan, or savings and loan fund system established by law, in which they were enrolled before the approval of this Act. The transferred personnel who are members of an

appropriate bargaining unit certified by the Public Service Appeals Commission shall retain such right.

This personnel transfer is made in accordance with the Executive Branch agency reorganization authority and due to service needs; therefore, it shall not constitute an unlawful employment practice or a violation of collective bargaining agreements.

Section 41.- Transfer of Equipment and Property.

As of the effective date of this Act, all real and personal property, documents, records, materials, equipment, and funds appropriated to the Forensic Science Bureau of the Department of Public Safety shall be transferred to the Institute created by this Act. However, any personal property acquired through federal funding shall be used solely for the purposes established in the federal law or regulations under which said funding was awarded.

The Executive Director of the Institute shall prepare, request, process, receive, formulate, and exercise control over the budget of the Forensic Science Bureau of the Department of Public Safety, as well as determine the use and control of the equipment, materials, and all property transferred.

Section 42.- Transfer of Powers.

The powers, duties, and authorities that were exercised by the Commissioner of the Forensic Science Bureau of the Department of Public Safety in accordance with Act No. 20-2017, as amended, known as the “Puerto Rico Department of Public Safety Act,” shall fall exclusively on the Executive Director of the Forensic Science Institute as of the effective date of this Act. Likewise, the services previously performed by the Forensic Science Bureau of the Department of Public Safety shall be rendered by the Forensic Science Institute.

Section 43.- Section 1.06 of Act No. 20-2017, as amended, is hereby amended to read as follows:

“Section 1.06.- Composition.

The Department of Public Safety shall be composed of six (6) bureaus:

(a)...

(b)...

(c)...

(d)...

(e)...

(f)...”

Section 44.- Section 1.16 of Act No. 20-2017, as amended, is hereby amended to read as follows:

“Section 1.16.- Security Information Management Office; Access to the Information of other Agencies

...

Nevertheless, the information systems and databases of the Forensic Science Institute and the Special Investigations Bureau shall be kept separate and independent from all other bureaus that constitute the Department, in order to guarantee the confidentiality and purity of the investigations.”

Section 45.- Subsection (m) of Section 2.04 of Act No. 20-2017, as amended, is hereby amended to read as follows:

“Section 2.04.- Commissioner of the Bureau; Powers and Duties.

The Commissioner of the Puerto Rico Police Bureau shall have the following powers and duties:

...

(m) The Commissioner of the Bureau shall adopt a crime statistics collection, compilation, and report model for each division of the Bureau, and criminal statistics shall be listed according to the nature and clearance rate thereof. This model or system shall include mechanisms to ensure that the highest quality

control standards are followed for the collection and disclosure of statistical information, including both internal and external annual audits. A copy of the audit reports shall be filed with the Office of the Secretary, as well as with the Clerk of the House of Representatives and the Secretary of the Senate, not later than February 1st of each year.

In the case of statistical data on murders/homicides, the Commissioner of the Bureau shall establish a procedure to guarantee that there are no discrepancies in the data collected and reported by the Forensic Science Institute and the Department of Health.

The Commissioner of the Bureau shall establish the appropriate procedure to ensure that the monthly reports from each police division and the crime statistics, listed by nature and clearance rate, are updated and made available online and through other institutional disclosure channels, so that citizens always have access to such data.

...”

Section 46.- Chapter 4 is hereby eliminated, and Chapters 5 through 9 are hereby renumbered as 4 through 8, respectively, in Act No. 20-2017, as amended.

Section 47.- Sections 5.01 through 5.12 of Act No. 20-2017, as amended, are hereby renumbered as Sections 4.01 through 4.12, respectively.

Section 48.- Sections 6.01 through 6.15 of Act No. 20-2017, as amended, are hereby renumbered as Sections 5.01 through 5.15, respectively.

Section 49.- Sections 7.01 through 7.08 of Act No. 20-2017, as amended, are hereby renumbered as Sections 6.01 through 6.08, respectively.

Section 50.- Sections 8.01 through 8.11 of Act No. 20-2017, as amended, are hereby renumbered as Sections 7.01 through 7.11, respectively.

Section 51.- Sections 9.01 through 9.07 of Act No. 20-2017, as amended, are hereby renumbered as Sections 8.01 through 8.07, respectively.

Section 52.- Any law making reference to the Forensic Science Bureau of the Department of Public Safety or the Commissioner of the Forensic Science Bureau shall be deemed to be amended and replaced with the Forensic Science Institute.

Section 53.- Any law or part thereof that is inconsistent with the provisions of this Act is hereby repealed.

Section 54.- The provisions of this Act shall prevail over any other provision of law that is inconsistent therewith.

Section 55.- If any part of this Act were held to be void or unconstitutional by a court of competent jurisdiction, the holding to such effect shall not affect or invalidate the remainder of this Act, and the effect thereof shall be limited to the matter subject to said holding.

Section 56.- This Act shall take effect ninety (90) days after its approval to ensure that an appropriate transition process is conducted between its date of approval and its date of effectiveness.