

(H. B. 3186)

(No. 147-2012)

(Approved August 2, 2012)

AN ACT

To amend subsection (i) of Section 45 of Act No. 205-2004, as amended, known as the “Department of Justice Organic Act,” and subsection (a) of Section 5 of Act No. 206-2004, as amended, known as the “Department of Justice Institute for the Training and Development of Juridical Thought Act,” in order to provide as an inherent part of the permanent training program for prosecutors, and the professional and technical support personnel of the Agency to require them to receive an annual training about topics concerning public security, and changes in policies and procedures regarding General Penal Laws, Special Penal Laws, and Rules of Procedures, including, but not limited to the Puerto Rico Penal Code, the Weapons Act, the Puerto Rico Explosives Act, the Controlled Substances Act of Puerto Rico, the Domestic Abuse Protection and Intervention Act, the Act for the Protection of Vehicular Property, the Rules of Criminal Procedure, and the Rules of Evidence, among others; and for other related purposes.

STATEMENT OF MOTIVES

The Legislative Assembly of Puerto Rico has been compelled to pass new laws and amend existing ones pertaining to security and protection, in order to comply with its constitutional duty to serve as a driving force of change in terms of overseeing the security, best interest, and welfare of the people.

Over time, laws must be reviewed to introduce amendments ranging from technical matters to substantial issues that arise after the approval thereof. This is the case of our penal laws and rules of procedure, including the Penal Code, the Controlled Substances Act, the Weapons Act, the Explosives Act, the Rules of Criminal Procedure, and the Rules of Evidence, among others.

Said Acts have had to be tempered with the new circumstances and reality of present-day Puerto Rico. The truth is that the war against crime has been intensified, thus warranting that the people responsible for prosecuting those who violate the law in the Island are kept abreast of the ongoing changes that the laws in effect undergo.

By virtue of subsection (i) of Section 45 of Act No. 205-2004, as amended, known as the “Department of Justice Organic Act,” the Chief Prosecutor has the duty to design, in coordination with the Institute for the Training and Development of Juridical Thought, a permanent training program for prosecutors and the professional and technical support personnel that work with them as part of their work team.

We believe that a reasonable manner to properly tackle the existing security and protection issues in Puerto Rico is providing our prosecutors with annual workshops and training on topics concerning public security, and changes in policies and procedures regarding General Penal Laws, Special Penal Laws, and Rules of Procedure, including, but not limited to the Puerto Rico Penal Code, the Weapons Act, the Puerto Rico Explosives Act, the Controlled Substances Act of Puerto Rico, the Domestic Abuse Prevention and Intervention Act, the Act for the Protection of Vehicular Property, the Rules of Criminal Procedure, and the Rules of Evidence, among others.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Subsection (i) of Section 45 of Act No. 205-2004, as amended, is hereby amended to read as follows:

“Section 45.– Functions and Duties.

The Chief Prosecutor shall direct the Office created by this Act and shall be responsible for supervising District Attorney Offices and all specialized divisions, work units, and programs under his direction, as provided in this Act, as well as those entrusted thereto by the Secretary. The Chief Prosecutor shall designate a

Deputy Prosecutor, in consultation with the Secretary, from among the Prosecuting Attorneys appointed by the Governor and confirmed by the Senate of Puerto Rico, who shall assist the Chief Prosecutor in the discharge of his duties.

The Chief Prosecutor shall discharge, in addition to the duties entrusted thereto by the Secretary or imposed by law, the following duties, without it being construed as a limitation:

(a) ...

(i) Design, in coordination with the Institute, a permanent training program for prosecutors and the professional and technical support personnel that work with them as part of their work team. Provided, however, that as an inherent part of said permanent training program for prosecutors and the professional and technical support personnel, they shall be required to receive an annual training about topics concerning public security, and changes in policies and procedures regarding General Penal Laws, Special Penal Laws, and Rules of Procedure, including, but not limited to the Puerto Rico Penal Code, the Weapons Act, the Puerto Rico Explosives Act, the Controlled Substances Act of Puerto Rico, the Domestic Abuse Prevention and Intervention Act, the Act for the Protection of Vehicular Property, the Rules of Criminal Procedure, and the Rules of Evidence, among others.

...”

Section 2.- Subsection (a) of Section 5 of Act No. 206-2004, as amended, is hereby amended to read as follows:

“Section 5.- Duties.

The duties of the Institute are as follows:

(a) Develop a permanent professional training program that incorporates innovative legal education strategies and methods to the professional endeavors of the Department’s personnel. Provided, however, that as an inherent part of said

permanent training program for prosecutors and the professional and technical support personnel, they shall be required to receive an annual training about topics concerning public security, and changes in policies and procedures regarding General Penal Laws, Special Penal Laws, and Rules of Procedure, including, but not limited to the Puerto Rico Penal Code, the Weapons Act, the Puerto Rico Explosives Act, the Controlled Substances Act of Puerto Rico, the Domestic Abuse Prevention and Intervention Act, the Act for the Protection of Vehicular Property, the Rules of Criminal Procedure, and the Rules of Evidence, among others.

(b) ...”

Section 3.— The Department of Justice is hereby authorized to enter into collaboration agreements with any other public and private entities as deemed pertinent to enforce compliance with the provisions of this Act.

Section 4.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 147-2012 (H. B. 3186)** of the **7th Regular Session** of the **16th Legislative Assembly of Puerto Rico**:

AN ACT to amend subsection (i) of Section 45 of Act No. 205-2004, as amended, known as the “Department of Justice Organic Act,” and subsection (a) of Section 5 of Act No. 206-2004, as amended, known as the “Department of Justice Institute for the Training and Development of Juridical Thought Act,” in order to provide as an inherent part of the permanent training program for prosecutors and the professional and technical support personnel of the Agency to require them to receive an annual training about topics concerning public security, and changes in policies and procedures regarding General Penal Laws, Special Penal Laws, and Rules of Procedures, [...]

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

In San Juan, Puerto Rico, on this 29th day of July, 2019.

Orlando Pagán-Ramírez
Director