

(S. B. 1019)  
(Conference)

**(No. 156-2018)**

(Approved July 25, 2018)

**AN ACT**

To amend Sections 1.05, 2.02, 3.02, 3.04, 4.05, 5.02, 6.02, 7.02, 7.04, 8.02, and 8.05 of Act No. 20-2017, as amended, known as the “Puerto Rico Department of Public Safety Act”; amend subsection (a) of Section 14.12 of Act No. 22-2000, as amended, known as the “Puerto Rico Vehicle and Traffic Act,” in order to incorporate technical amendments to improve the operations of the recently created Department of Public Safety; and for other purposes.

**STATEMENT OF MOTIVES**

The Department of Public Safety (DPS) was created upon the approval of Act No. 20-2017 for the purpose of developing a new integrated system composed of the components that administer public safety in Puerto Rico.

On May 11, 2017, the Secretary of Public Safety, by virtue of the authority vested in him by Section 1.13 of Act No. 20-2017, *supra*, appointed an Executive Committee whose main duty is to work with and assist the Secretary in various efforts to achieve a swift integration of the various Bureaus.

As part of the transition and integration process of the different agencies that comprise the Department of Public Safety (DPS), the Executive Committee evaluated various reports presented by the working groups of each agency as well as the certifications submitted by the heads of the various components of the DPS. As a result of the work carried out by the Executive Committee, during this first implementation phase, it identified various issues that had to be addressed in order to improve the operations and functioning of the DPS.

In view of the foregoing, we deem it appropriate to amend Act No. 20, *supra*, in order to replace the position of Assistant Secretary of Administration with the Deputy Secretary of the Department; recognize the Commissioners' authority to enter into such contracts and collaboration agreements as are necessary with the authorization of the Secretary of the Department; authorize the positions of Secretary and Deputy Secretary to carry firearms to protect themselves and their families; modify the qualifications to hold the office of Commissioner of the various components of the DPS; and set forth the minimum experience required for each position. We also made technical amendments to correct the name of the of the Emergency Management and Administration Bureau in several Sections.

Furthermore, given that the Secretary serves as the direct liaison between the Governor and the Department of Public Safety, he is responsible for the administration of the Department and full control over emergency and public safety situations on the Island. Therefore, he is called to collaborate on the development and handling of emergencies and is also responsible for supervising and directing prevention works, coordinating and preparing emergency plans, hazard mitigation, among other activities that may be developed by the Bureaus that comprise the Department.

Evidently, the duties of said official require that he has absolute mobility because his scope of action is extremely broad and the nature of his work requires that he be available at all times.

Lastly, Act No. 22-2000, as amended, known as the "Puerto Rico Vehicle and Traffic Act," governs, regulates, and controls the use of the Island's thoroughfares. Act No. 22-2000 is essential to keep our roads safe. Section 14.12 regulates the use of flashing lights and provides the colors that may be used by the different agencies.

Said Section reserves the use of flashing blues lights for the Police, legislators, mayors, judges, and prosecutors, and exempts from authorization other officials

and/or agencies that, due to the nature of their duties, must travel quickly to address matters relating to safety or public health.

The Forensic Science Bureau (FSB) is the DPS unit responsible for leading expert investigations in connection with a person's death in accordance with the jurisdiction provided in Act No. 20-2017. It also administers the criminalistics laboratory, which is the entity that allows us to achieve greater certainty in the adjudication of criminal liability. Likewise, the forensic investigator is one of the key components called to crime scenes to conduct the corresponding field investigation and transfer the physical evidence to the Bureau (such as the bodies of the deceased) for appropriate evaluation and analysis.

Forensic investigators are currently facing challenges and limitations when trying to respond to the scenes with the required urgency. This is because some of the forensic investigations vehicles are equipped with flashing lights that are not recognized by drivers and pedestrian as indicators of an emergency or urgency which requires them to take additional precautions. For such reason, we deem it appropriate to amend Act No. 22, *supra*, to authorize the use of flashing blues lights by the BFS's forensic investigation vehicles, in order to improve the citizen response to their routine duties, which require them to travel from one place to another to perform the corresponding investigations.

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

Section 1.- Section 1.05 of Act No. 20-2017, as amended, is hereby amended to read as follows:

“Section 1.05.- Duties and Powers of the Secretary.

The powers and duties of Secretary shall include, without limitations, to:

a) Have authority over the hierarchy, administration, and immediate supervision of the Department of Public Safety and be considered a ‘law enforcement officer’ for all pertinent legal purposes and continue to serve in such

capacity at all times and anywhere within the jurisdiction of the Government of Puerto Rico. As such, he may carry firearms for the defense of self and family, even after resigning from office and as long as he can demonstrate mental and moral capacity.

(b) . . . . .

(c) . . . . .

(d) Designate an Assistant Secretary who shall guarantee effective communication between the Department and the bureaus; in addition, the Secretary shall assign to the Assistant Secretary other functions as appropriate. As part of his authorities, the Assistant Secretary may bear firearms for the defense of self and family, even after resigning from office and as long as he can demonstrate mental and moral capacity.

(e) ...

...

(aa) Since the Secretary shall continue to serve in his capacity as law enforcement officer at all times and as Supervisor of the Bureaus anywhere within the jurisdiction of the Government of Puerto Rico, he may use a designated official vehicle. Likewise, the Secretary shall be empowered to regulate the proper use of the motor vehicles of the Department of Public Safety, according to the functions and particularities of each one of the Bureaus that comprise it.”

Section 2.- Section 2.02 of Act No. 20-2017, as amended, is hereby amended to read as follows:

“Section 2.02.- Puerto Rico Police Bureau; Authority

The Governor of Puerto Rico shall have supreme authority with respect to the direction of the Puerto Rico Police Bureau. The administration and immediate supervision thereof shall be delegated to the Secretary of the Government of Puerto Rico Department of Public Safety.

The office of Commissioner of the Puerto Rico Police is hereby created to be in charge of the daily operations of the Puerto Rico Police Bureau. The Commissioner shall be appointed by the Governor of Puerto Rico with the advice and consent of the Senate of Puerto Rico and shall hold office at the discretion of the Governor.

The person holding this office shall furnish proof of having earned a degree from a duly accredited college institution or have not less than four (4) years of experience in supervisory positions. In addition, said person shall be knowledgeable and skilled in public safety.

The Commissioner of the Puerto Rico Police shall prescribe, by regulations, the chain of command in the event of his absence, disability, or death.”

Section 3.- Section 3.02 of Act No. 20-2017 is hereby amended to read as follows:

“Section 3.02.- Bureau of the Firefighters Corps; Authority

The Governor of Puerto Rico shall have supreme authority with respect to the direction of the Bureau of the Firefighters Corps; however, the administration and immediate supervision thereof shall be delegated to the Secretary of the Government of Puerto Rico Department of Public Safety.

The office of the Commissioner of the Bureau of the Firefighters Corps is hereby created to be in charge of the daily operations of the Firefighters Bureau.

The Commissioner of the Bureau of the Firefighters Corps shall be appointed by the Governor with the advice and consent of the Senate. The office of Commissioner of the Bureau shall be classified as a trust position and the person appointed thereto shall hold office at the discretion of the Governor.

The person holding this office shall furnish proof of having earned a degree from a duly accredited college institution or have not less than four (4) years of

experience in matters relating to fire prevention and extinction. In addition, said person shall be knowledgeable and skilled in management.

The Commissioner of the Firefighters Corps shall prescribe, through regulations, the chain of command in the event of absence, disability, or death of the Commissioner.

The Bureau of the Puerto Rico Firefighters Corps shall be composed of the Commissioner, Captains, Lieutenants, Sergeants, Firefighters, Auxiliary Firefighters, Volunteer Firefighters, and Inspectors.

The ranks of Captain, Lieutenant, and Sergeant shall be Career Positions and shall have the duties prescribed by regulations.”

Section 4. - A new subsection (u) is hereby added to Section 3.04 of Act No. 20-2017, as amended, and current subsection (u) is hereby renumbered as subsection (v), to read as follows:

“Section 3.04.- Commissioner of the Firefighter Corps; Duties and Powers.

(a) ...

...

(u) With the authorization of the Secretary of the Department, the Commissioner may enter into contracts, collaboration agreements, and any other instrument as are necessary or convenient in the exercise of his powers, and to contract the necessary professional services with individuals, groups, corporations, federal agencies, the Government of the United States of America and of Puerto Rico, and the agencies or political subdivisions thereof.

(v) ...

The authorities conferred herein may be delegated to any member of the Bureau that the Commissioner determines, except for the rulemaking authority.”

Section 5.- Section 4.05 of Act No. 20-2017, as amended, is hereby amended to read as follows:

“Section 4.05.- Direction and Organization.

The Commissioner of the Forensic Science Bureau shall be appointed by the Governor with the advice and consent of the Senate and shall be a qualified forensic scientist with at least five (5) years of experience. The Commissioner of the Bureau shall be the Forensic Scientist of Puerto Rico.

The office of Commissioner of the Bureau shall be classified as a trust position and the person appointed thereto shall hold such office at the discretion of the Governor.

The Commissioner of the Bureau shall designate, with the consent of the Secretary, an Associate Commissioner who shall furnish proof of having earned, at least, a master’s degree from a duly accredited college institution or have not less than four (4) years of experience in any of the disciplines comprised within the forensic sciences, whom shall assist the Commissioner of the Bureau in discharging his operational and supervisory duties or any other deemed pertinent.

To the extent possible, the Bureau shall be organized in technical divisions that reflect the best accepted practices in forensic science.

The Commissioner shall create offices or divisions and shall assign duties based on criteria that allow for the most efficient use of human resources, while taking into consideration the following aspects, among others: the rational assignment and distribution of duties; the distribution of power in accordance with the responsibilities; the appropriate selection of personnel; and the provision of resources in accordance with the needs of the Bureau and its divisions.

...”

Section 6.- Section 5.02 of Act No. 20-2017, as amended, is hereby amended to read as follows:

“Section 5.02.- 9-1-1 Emergency Systems Bureau; Authority.

The Governor of Puerto Rico shall have supreme authority with respect to the direction of the 9-1-1 Emergency Systems Bureau. However, the administration and immediate supervision thereof shall be delegated to the Secretary of the Department of Public Safety of the Government of Puerto Rico.

The office of Commissioner of the 9-1-1 Emergency Systems is hereby created to be in charge of the daily operations of the Emergency Systems Bureau. The Commissioner shall be appointed by the Governor with the advice and consent of the Senate of Puerto Rico. The office of Commissioner of the Bureau shall be classified as a trust position and the person appointed thereto shall hold office at the discretion of the Governor. The person holding this office shall furnish proof of having earned a degree from a duly accredited college institution or have not less than four (4) years of experience in supervisory positions. In addition, said person shall be knowledgeable and skilled in management.

The Emergency Systems Commissioner shall prescribe, through regulations, the chain of command in the event of absence, disability, or death of the Commissioner.”

Section 7.- Section 6.02 of Act No. 20-2017, as amended, is hereby amended to read as follows:

“Section 6.02.- Emergency Management and Disaster Administration Bureau; Authority.

The Governor of Puerto Rico shall have supreme authority with respect to the direction of the Emergency Management and Disaster Administration Bureau; however, the administration and immediate supervision thereof shall be delegated to the Secretary of the Government of Puerto Rico Department of Public Safety.

The office of Commissioner of the Emergency Management and Disaster Administration Bureau is hereby created to be in charge of the daily operations of the Emergency Management and Disaster Administration Bureau. The



Commissioner of the Emergency Management and Disaster Administration Bureau shall be appointed by the Governor with the advice and consent of the Senate of Puerto Rico. The office of Commissioner of the Bureau shall be classified as a trust position and the person appointed thereto shall hold office at the discretion of the Governor. Furthermore, the person who holds such office shall furnish proof of having earned, at least, a master's degree from a duly accredited college institution and shall be knowledgeable and skilled in management or have not less than four (4) years of experience in matters of security, emergency management, and disaster administration.

...”

Section 8.- Section 7.02 of Act No. 20-2017, as amended, is hereby amended to read as follows:

Section 7.02.- Bureau of the Medical Emergency Corps; Authority

The Governor of Puerto Rico shall have supreme authority with respect to the direction of the Bureau of the Medical Emergency Corps; however, the administration and immediate supervision thereof shall be delegated to the Secretary of the Government of Puerto Rico Department of Public Safety.

The office of Commissioner of the Bureau of the Medical Emergency Corps is hereby created to be in charge of the daily operations of the Bureau. The Commissioner of the Bureau of the Medical Emergency Corps shall be appointed by the Governor with the advice and consent of the Senate of Puerto Rico. The office of Commissioner of the Bureau shall be classified as a trust position and the person appointed thereto shall hold office at the discretion of the Governor.

The Commissioner shall furnish proof of having earned a degree from a duly accredited college institution and have not less than four (4) years of experience in emergency services. In addition, said person shall be knowledgeable and skilled in management.

The Commissioner shall prescribe, through regulations, the organizational structure of the Medical Emergency Corps and the chain of command in the event of his absence, disability, or death.”

Section 9.- A new subsection (f) is hereby added to Section 7.04 of Act No. 20-2017, as amended, to read as follows:

“Section 7.04.- Powers and Responsibilities of the Bureau of the Medical Emergency Corps.

The Bureau of the Medical Emergency Corps shall have powers as are necessary and convenient to achieve the purposes and enforce the provisions of this chapter including, but not limited to the following:

(a) ...

(b) ...

...

(f) With the authorization of the Secretary, it may enter into contracts, collaboration agreements, and any other instrument as are necessary or convenient in the exercise of its powers, and to contract the necessary professional services with individuals, groups, corporations, federal agencies, the Government of the United States of America and of Puerto Rico, and the agencies or political subdivisions thereof.”

Section 10.- Section 8.02 of Act No. 20-2017, as amended, is hereby amended to read as follows:

“Section 8.02.- Special Investigations Bureau; Authority.

The Governor of Puerto Rico shall have supreme authority with respect to the direction of the Special Investigations Bureau, however, the administration and immediate supervision thereof shall be delegated to the Secretary of the Puerto Rico Department of Public Safety.

The office of Commissioner of the Special Investigations Bureau is hereby created to be in charge of the daily operations of the Bureau. The Commissioner shall be appointed by the Governor of Puerto Rico with the advice and consent of the Senate of Puerto Rico. The position of Commissioner of the Special Investigations Bureau shall be classified as a position of trust and the person appointed thereto shall hold the office at the discretion of the Governor.

The person who directs the Special Investigations Bureau shall be an attorney admitted to the Bar by the Supreme Court of Puerto Rico or by any entity of any jurisdiction of the United States of America empowered to grant admission to practice law, and have at least five (5) years of experience in the practice of criminal law; or an official with not less than ten (10) years of experience in the field of criminal investigation. In addition, said person shall be knowledgeable and skilled in management.”

Section 11.- A new subsection (e) is hereby added to Section 8.05 of Act No. 20-2017, as amended, to read as follows:

“Section 8.05.- Commissioner of the Special Investigations Bureau; Powers

(a) ...

...

(e) With the authorization of the Secretary, the Commissioner may enter into contracts, collaboration agreements, and any other instruments as are necessary or convenient in the exercise of his powers, and to contract the necessary professional services with individuals, groups, corporations, federal agencies, the Government of the United States of America and of Puerto Rico, and the agencies or political subdivisions thereof.”

Section 12.- Subsection (a) of Section 14.12 of Act No. 22-2000, as amended, is hereby amended to read as follows:

“Section 14.12 - Flashing or Colored Lights.

No person shall operate on the thoroughfares a vehicle equipped with any device, lamp, dome or beacon light that emits or reflects a steady or flashing light of any color that is visible from any angle. The following rules shall apply with regard to said devices, lamps, dome or beacon lights:

(a) The use of flashing blues lights is hereby reserved for the vehicles of the Police Bureau, the Bureau of Forensic Sciences, legislators, mayors, judges, and prosecutors.

...”

Section 13. The Department of Public Safety is hereby granted a period of thirty (30) calendar days to adjust or promulgate any regulation, administrative order, circular letter or information bulletin as appropriate to fully comply with the provisions of this Act.

Section 14.-Effectiveness.

Section This Act shall take effect upon its approval.