

H.B. 1937

(No. 276)

(Approved November 10, 1998)

AN ACT

To amend subsection (1), (2), and (6) of Section 10 of Act No. 2 of February 23, 1988, as amended, known as the Act of the Panel on the Special Independent Prosecutor, in order to amend the type of ex-judge that may be part of the Panel and the term of office, as well as to increase the per diems to which the members of the Panel are entitled to.

STATEMENT OF MOTIVES

The Government of Puerto Rico has stated that it constitutes the public policy to promote the dedication of its officials and employees to their work and public service with honesty, professional and personal excellence, and absolute devotion to the welfare and integral development of our people.

Act No. 2 of February 23, 1988, as amended, known as the Act of the Panel on the Special Independent Prosecutor, established a special investigative jurisdiction for charges against public officials that incur in certain type of punishable conducts in the exercise of their office. The institution of the Special Independent Prosecutor and the Panel on the Special Independent Prosecutor have the purpose, among others, to promote and preserve the integrity of the officials that incur in criminal conduct and guarantee absolute objectivity of the investigations.

This Legislature deems it necessary to approve this measure. It is directed to increase the availability of former judges that could be part of the

Panel, to amend the type of former judge that would qualify, as well as to amend the term for which they may hold office. It also has the intention to increase the per diems to which the members of the Panel are entitled to. Said Act provides for the payment of per diems to the members of the Panel, being this the only retribution they shall receive. Said payment has as purpose to cover the personal expenses incurred by said members in the discharge of their duties, thus adjusting it to our reality.

BE IT ENCATED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Subsections (1), (2) and (6) of Section 10, of Act No. 2 of February 23, 1988, as amended, are hereby amended to read as follows:

“Section 10.- Designation of the Panel on the Special Independent Prosecutor

- (1) The Governor of Puerto Rico shall designate, with the advice and consent of the majority of the total number of the members that make up the Senate and the House of Representative of the Commonwealth of Puerto Rico, a Panel to be composed of three (3) regular members with experience in the field of criminal law, which shall be selected from among the former judges of the Supreme Court, of the Circuit Court of Appeals, or of the Court of First Instance. The Governor of Puerto Rico shall also designate, in the same manner, from among the former judges of the Supreme Court, of the Circuit Court of Appeals or from the Court of First Instance two (2) alternate members that shall be part of the Panel in the case of inhibition or other circumstance that prevents any of the regular members from performing their duties. The regular members shall designate from among themselves the Chairperson of the Panel.

- (2) The members of the Panel shall serve for a term of three (3) years at the end of which they may be newly designated for an additional term of the same duration or until they attain seventy-five (75) years of age, if this occurs first. The terms served by alternate members shall not be counted against them in case they are designated regular members. The Panel shall be denominated "Panel on the Special Independent Prosecutor".
- (3) ...
- (4) ...
- (5) ...
- (6) The members of the Panel shall be entitled to a per diem of one hundred and fifty (150) dollars for each day or part thereof they devote to performing their functions and duties, which shall be exempt from the payment of income tax fixed by Act No. 91 of June 29, 1954, as amended.
- (7) ...

Section 2.- This Act shall take effect immediately after its approval.

March 8, 2001

Dynorah R. Requena-Gallego, Esq., Acting Director of the Office of Legislative Services of the Legislature of Puerto Rico, hereby certifies to the Secretary of State that she has duly compared the English and Spanish texts of Act No. 276 (H.B. 1937) of the 4th Session of the 13th Legislature of Puerto Rico, entitled:

AN ACT to amend subsection (1), (2), and (6) of Section 10 of Act No. 2 of February 23, 1988, as amended, known as the Act of the Panel on the Special Independent Prosecutor, in order to amend the type of ex-judge that may be part of the Panel and the term of office, as well as to increase the per diems to which the members of the Panel are entitled to,

and finds the same are complete, true and correct versions of each other.

Dynorah R. Requena-Gallego