

Office of the Special Independent Prosecutor's Panel

Act No. 2 of February 23, 1988, as amended

(Contains amendments incorporated by:

Act No. 19 of July 24, 1990

[Act No. 276 of November, 1998](#)

[Act No. 40 of January 3, 2003](#)

[Act No. 24 of July 19, 2005](#)

[Act No. 110 of September 7, 2005](#)

[Act No. 202 of September 21, 2006](#)

[Act No. 2 of January 3, 2012](#)

[Act No. 3 of January 3, 2012](#)

[Act No. 4 of January 3, 2012](#))

[Amendments non-incorporated:

Reorganization Plan No. 1 of January 3, 2012 (*added a new Section 14*)]

To promote and preserve the integrity of public officials and institutions of the Government of the Commonwealth of Puerto Rico; create positions of Special Independent Prosecutors to investigate; criminally prosecute certain officials who may incur in criminal conduct; create a Panel and provide for its operation; impose certain duties and grant certain powers to the Secretary of Justice; and to provide funds for the implementation of this Act.

STATEMENT OF MOTIVES

Puerto Rico has been a country with a patrimony which is enviable for its cultural tradition, its unavoidable commitment to the fundamental principles of a democratic way of life, and especially for its firm adhesion to the most precious ethical and moral values inherent in the conduct of our People and that of our representatives in their government duties: the public servants.

Our People have the firm conviction that, as a general rule, the government bodies have complied with their responsibility in accordance with the most rigorous demands of morality and excellence.

Nevertheless, sometimes and as an exception to the rule, public servants set aside these moral and ethical standards, and incur in flagrant infractions of the law, or in intolerable and harmful practices.

Ordinarily, such undue actions presuppose illegal profits, in detriment of the State's patrimony, conflicts of interest, especially financial, or inadmissible acts of diverse nature.

The proliferation of practices of the nature indicated above, has created deep concern not only in our People but also on those of us who are depositaries of their trust for having vested them with the adequate powers to provide our country with an exemplary management of government.

In discharging this honorable responsibility, and for the purposes of preventing, eradicating and punishing any criminal or improper behavior by any government official, it is imperative that

this legislative measure, which is an essential component of an integrated and innovative scheme, be approved in order to restore our People's trust in their government and in their public servants.

The mechanism of the Special Independent Prosecutor under the supervision of a Panel appointed by the Governor of the Commonwealth of Puerto Rico, and exclusively composed of former Justices of the Supreme Court or Judges of the Superior Court, or both, guarantees absolute objectivity in the investigations of high government officials. Equally important is the fact that the institution of Special Independent Prosecutors and the Panel provide a neutral and independent forum where alleged or real illegal acts attributed to government officials may be palpably dilucidated before the People, thus offering an effective medium for honest officials to preserve their integrity and reputation.

Be it enacted by the Legislature of Puerto Rico:

Section 1. — Statement of Public Policy. (3 L.P.R.A § 99h)

It is the public policy of the Commonwealth of Puerto Rico to encourage the dedication of its public servants and employees to public service with honesty, professional and personal excellence, and absolute dedication to the well-being and integral development of our People.

Section 2. — Definitions. (3 L.P.R.A § 99i)

For the purposes of this Act, the following terms shall have the meaning expressed hereinbelow, unless it is otherwise understood from the text:

- (1) **Agency.** — Means any government body of the Government of Puerto Rico, including the public corporations and dependencies thereof, but excluding the municipal corporations and the political subdivisions thereof.
- (2) **Office.** — Means the Office of the Special Independent Prosecutor’s Panel.
- (3) **Panel Chair.** — Means the member of the Panel with executive powers, as established in this Act.
- (4) **Special Prosecutor.** — Means the Special Independent Prosecutor whose position has been created through this Act..
- (5) **Panel.** — Means the Special Independent Prosecutor’s Panel.
- (6) **Secretary.** — Means the Secretary of Justice of Puerto Rico.
- (7) **Department.** — Means the Department of Justice of Puerto Rico.
- (8) **Decision.** — Means a determination of whether or not there is sufficient cause that warrants further investigation or the filing of complaints or charges.
- (9) **Recommendation.** — Determination of the Department of Justice on the request to the Panel to determine whether a Special Independent Prosecutor should be designated.
- (10) **Sworn Complaint.** — Document submitted under oath.

Section 3. — Creation of the Position. (3 L.P.R.A § 99j)

The position of Special Independent Prosecutor is hereby created, henceforth denominated the Special Prosecutor, who shall be appointed pursuant to the provisions of this Act, and who shall have the responsibility of resorting to the Courts of Justice on behalf of the Government of the Commonwealth of Puerto Rico to file and prosecute the corresponding criminal actions resulting from the investigations he carries out on the matters assigned to him pursuant to this Act.

Section 4. — Preliminary Investigation. (3 L.P.R.A § 99k)

(1) The Secretary of Justice shall carry out a preliminary investigation in every case in which he receives information under oath that, in his judgment, constitutes sufficient cause to investigate whether any of the following officials has committed any felony or misdemeanor included in the same transaction or event, and offenses against civil rights, public duties and the public treasury:

- (a) The Governor;
- (b) the secretaries and assistant secretaries of the Government Departments;
- (c) heads and assistant heads of agencies;
- (b) executive directors of public corporations;
- (e) mayors;
- (f) members of the Legislative Assembly of Puerto Rico;
- (g) advisors and aides of the Governor;
- (h) judges, and
- (i) any individual who has filled any of the offices mentioned above and who has been accused of any felony or misdemeanor included in the same transaction or event, and offenses against civil rights, public duties and the public treasury while in office, provided that the designation of the Special Prosecutor is made within four (4) years following the date that said individual left office. The fixing of this term in no way alters the prescriptive term of the corresponding criminal proceeding against that official or individual.

(2) Whenever the Secretary of Justice conducts a preliminary investigation with respect to the situation of any of the officials or individuals listed in subsection (1) of this section, the Secretary shall determine, based on the information available and the alleged facts, whether there is sufficient cause to believe that a felony and misdemeanor included in the same transaction or event and offenses against civil rights, public duties and the public treasury have been committed. The Secretary of Justice shall not recommend nor shall the Panel authorize the designation of a Special Prosecutor when the alleged crimes have prescribed. After the preliminary investigation is completed, the Secretary shall render a detailed report of such investigation to the Special Prosecutor's Panel, who shall be appointed pursuant to the provisions of Section 10 of this Act. Said report shall contain the recommendations of the Secretary as to whether the designation of a Special Prosecutor is appropriate or not. Even when the recommendation of the Secretary is that no Special Prosecutor be designated, he shall be bound to refer his full report and file of the case to the Panel, which may appoint a Special Prosecutor and order an investigation of the case, at its discretion.

(3) Whenever an investigation is conducted regarding the conduct of any of the officials or individuals listed in subsection (1) of this section, if there is the need to file charges or accusations,

such action shall not be conducted by the Secretary of Justice. Said responsibility shall always fall on the Special Prosecutor designated by the Panel.

Whenever the Secretary of Justice makes the determination as to whether he recommends the appointment of a Special Prosecutor or not, he shall notify the complainant who requested the appointment of a Special Prosecutor and the official who is to be investigated.

(4) In those cases in which the Secretary of Justice understands that the information received against any of the officials or individuals listed in subsection (1) of this section does not constitute sufficient cause for an investigation, he shall so notify the Panel on the Special Prosecutor stating the grounds that justify his decision.

(5) The Comptroller of Puerto Rico, the Director of the [Office of Government Ethics](#) or the complainant may request the Panel to review the refusal of the Secretary of Justice to request a Special Prosecutor within fifteen (15) days of said notice. Likewise, the official to be investigated may request the Panel within fifteen (15) days after the serving of notice to review and not confirm the recommendation of the Secretary of Justice that a Special Prosecutor be designated.

If the Panel determines that the appointment of a Special Prosecutor is not in order, said determination shall be final and binding and no complaint may be filed again on the same facts.

(6) In the case that the Panel determines that the information received is frivolous, the Panel shall impose all costs incurred in the proceedings carried out pursuant to this Act, on the person who presented the same. The State shall reimburse every official subject to an investigation who is exonerated, a reasonable amount for the expenses incurred in attorney's fees, except in the cases of dismissal due to the prescription of the offenses charged.

Section 5. — Preliminary Investigation in the case of other officials, employees or individuals. (3 L.P.R.A § 99l)

(1) Whenever the Secretary of Justice receives information that, in his judgment, constitutes sufficient cause to investigate whether any official, former official, employee, former employee or individual not listed in Section 4, has committed any of the crimes referred to in Section 4 of this Act, he may carry out a preliminary investigation at his discretion, and request the appointment of a Special Prosecutor whenever he determines that if the investigation is carried out by the Secretary of Justice, it may result in a conflict of interest.

(2) Whenever the Secretary determines that there is no conflict of interest whatsoever that may hinder an objective investigation by the Department of Justice, the Secretary shall designate the official who shall conduct the investigation, and the Department of Justice shall assume its jurisdiction.

Section 6. — Charges against the Secretary of Justice. (3 L.P.R.A § 99m)

In those cases in which the commission of any of the crimes referred to Section 4 of this Act is charged to the Secretary of Justice, the persons mentioned in subsection (5) of Section 4 of this Act shall submit the information directly to the Panel which shall notify said information to the Secretary.

Whenever information is received directly by the Department of Justice in which the Secretary of Justice is charged with committing any of the crimes referred to in Section 4 of this Act, it shall be submitted to the Panel. In both cases the Panel shall make the corresponding determination

using the same standards that apply to the investigations for accusations against any person or official subject to the provisions of this Act.

Section 7. — Reopening of Investigation for the introduction of new information. (3 L.P.R.A § 99n)

If, after the Secretary of Justice has informed the Panel that a preliminary investigation is not in order or that there is insufficient cause to merit a full investigation, he receives information that to the best of his knowledge should give rise to a preliminary or a full investigation, he shall immediately so notify the Panel.

If the Secretary understands that there is sufficient cause to designate a Special Prosecutor after carrying out the additional investigations that he deems pertinent, he shall so notify the Panel no later than ninety (90) days after having received said additional information.

Section 8. — Determination whether Preliminary Investigation is in order; Procedure. (3 L.P.R.A § 99o)

(1) In order to determine whether there is cause to conduct a preliminary investigation, the Secretary of Justice shall take the following factors into consideration:

- (a) The seriousness of the charges made;
- (b) the degree of participation the official or former official, employee or former employee is charged with;
- (c) the data and grounds on which the charges are based;
- (d) the credibility of the person who brings the charges and that of other sources of information.

(2) Any report of the Comptroller or the [Office of Government Ethics](#) recommending to the Secretary of Justice the filing of criminal charges against any of the officials covered by the provisions of this Act, shall be deemed as sufficient cause to investigate for the purposes of subsection (1) of this Section.

(3) In any case in which the Secretary of Justice receives a complaint from any source charging an employee, official, former employee or former official covered by Section 5, with any violation, the Secretary shall notify the Panel of said complaint and of the investigation it shall conduct.

(4) When the Secretary of Justice determines that carrying out a preliminary investigation is in order, he shall complete said preliminary investigation within a term that shall not exceed ninety (90) days from the date on which he receives the information. In those cases in which the Department of Justice deems that it has been impossible to conclude adequately the preliminary investigation within said term due to its nature and complexity, the Department may request the Panel, which may approve at its discretion an additional term which shall not exceed ninety (90) days.

(5) During the course of a preliminary investigation, the Secretary of Justice shall not grant immunity or plea bargain with officials, employees, former officials or former employees that are subject of said investigation. However, the Secretary may exercise such prerogative in those cases in which he assumes jurisdiction under the provisions of this Act to fully investigate and prosecute the complaint or accusation already filed, once the preliminary investigation is completed.

(6) The Panel may review any determination of the Secretary issued pursuant to the provisions of Section 5 of this Act, and shall determine the convenience of appointing a Special Prosecutor to

carry out the investigation and prosecution needed for the disposition of said complaint, subject to the provisions of Section 9 of this Act.

Section 9. — Non-compliance with the terms by the Secretary of Justice. (3 L.P.R.A § 99p)

If the Secretary of Justice, after receiving a complaint or accusation against any official, employee, former official or former employee, based on the provisions of this Act, does not take any action within the term of ninety (90) days, or in a term not greater than one hundred and eighty (180) days when he obtains an extension by the Panel, he shall submit the entire file of the investigation to the Panel, which shall determine the convenience of appointing a Special Prosecutor to carry out the investigation and prosecution needed for the disposition of said complaint.

Section 10. — Designation of the Special Independent Prosecutor's Panel. (3 L.P.R.A § 99q)

(1) The Governor of Puerto Rico shall designate, with the advice and consent of a majority of the total number of members of the Senate and the House of Representatives of Puerto Rico, three (3) official members with experience in the field of criminal law. These three (3) members shall constitute the Panel and shall be selected from among former Supreme Court justices, or former judges of the Court of Appeals or the Court of First Instance. Likewise, the Governor of Puerto Rico shall also designate, from among former Supreme Court justices or former judges of the Court of Appeals or the Court of First Instance, two (2) alternate members who shall be part of the Panel in the event of abstention or other circumstances that prevent any of the official members from discharging their duties. Regular members shall designate the Panel Chair from among them. The Panel shall be denominated the “Special Independent Prosecutor’s Panel.”

(2) The Panel Chair shall be the executive officer who shall supervise the administration and management of the Office. The Panel shall adopt the rules that shall govern the designation of an Acting Chair in the event of temporary absence of the Chair. The Panel Chair shall have the same rights and duties as the other Panel members in terms of decisions and votes regarding cases or matters referred to the attention of said Collegiate Body.

The Panel Chair or his delegate shall have the power to:

(a) Organize the Office and appoint or hire personnel as are necessary to discharge the functions and duties established by law in accordance with the criteria that shall ensure the rendering of services and the compliance with the ministerial duties subject to the regulations approved by the Office.

(b) Acquire real and personal property through lawful means including, but not limited to, the acquisition by purchase, lease, lease with purchase option, bequest, or gift; as well as to own, preserve, use, or dispose of any property, whether real or personal, improved or not, or any asset, right, or interest thereon, in the manner deemed to be most effective, efficient, and necessary for the benefit of the Office.

(c) Enter into contracts and execute any instruments as are necessary and convenient to attain the objectives and purposes of the Office.

(d) Approve regulations as are necessary to exercise the powers conferred by this Act.

(e) Take any other administrative or managerial action or measure as is necessary and convenient to achieve the purposes of this Act.

(3) Panel members shall serve for a term of ten (10) years. Persons thus designated shall not be appointed for more than one (1) consecutive term. In the event of a vacancy before the expiration of the ten (10)-year term, the new appointment shall be for a ten (10)-year term. The terms served by alternate members shall not be counted against them in case they are designated as official members. Panel members whose appointment terms have expired shall continue to hold office until their successors are appointed and take office.

This ten (10)-year term shall be extended to Panel members who are in office on the date of the approval of this Act and shall be computed as of the date on which they were sworn in, upon confirmation by the Senate and the House of Representatives.

(4) In case of vacancy, the Governor shall make a new appointment for a ten (10)-year term.

(5) The Panel’s decisions shall be made by a simple majority.

(6) Panel members shall be entitled to a two hundred dollars (\$200) per diem for each day or fraction thereof they perform the tasks entrusted to them by the Panel or Panel Chair regarding the duties established hereunder. Said per diem shall be exempt from the tax imposed under Act No. 1-2011, as amended, known as the “Internal Revenue Code for a New Puerto Rico.” Panel members shall be entitled to reimbursement for any necessary expenditures incurred while discharging their duties, responsibilities, or official business inside or outside the jurisdiction of Puerto Rico, subject to the regulations adopted therefor by the Panel.

(7) Panel members shall be deemed to be public officials with respect to their actions in the discharge of their duties, obligations, and prerogatives under this Act. Members shall have quasi-judicial immunity in their individual capacity while discharging their duties. Moreover, they shall have the same immunity granted to the members of the executive cabinet. Within the extent of their duties, they shall be entitled to request and receive legal representation and protection pursuant to Act No. 104 of June 29, 1955, as amended.

(8) Panel members shall not intervene in any other civil, administrative, or criminal matter having common or similar elements that cause or seem to cause a conflict of interest with any matter that is or may be under their jurisdiction.

(9) Panel members shall not enter into contracts to provide legal representation in matters or cases that entail litigation against an Agency, municipality or the Legislative or Judicial Branches, while they are Panel members. This prohibition shall not include entering into training, advisory or consulting services, contracts with any agency, municipality, or the Legislative or Judicial Branches; serving as professor in the University of Puerto Rico and its campuses; serving as an expert, special commissioner in the Judicial Branch in any civil, administrative, or criminal case or matter; or intervening as mediator or arbitrator in any matter under the consideration of said public entities. The exemptions set forth in Sections 3.3(d) and (e) of [Act No. 12 of July 24, 1985, as amended, known as the “Puerto Rico Government Ethics Act,”](#) shall also apply. In order to safeguard the independence of this Office, any dispensations requested under Section 3.3(d) and (e) by any official of this Office shall be evaluated by the Government Ethics Office, which shall issue the appropriate determination under the regulations adopted.

Section 11. — Duties of the Special Independent Prosecutor's Panel. (3 L.P.R.A § 99r)

- (1) The Panel may appoint a Special Prosecutor in any of the following cases:
- (a) When the Secretary of Justice requests the appointment and, if the recommendation by the Secretary is challenged, the Panel concludes that a full investigation is merited because the filing of accusations or charges is in order, based on the report submitted by the Secretary and on any other information submitted to, or obtained by the Panel.
 - (b) When in a proceeding to review a negative determination made by the Secretary of Justice, the Panel determines based on the report submitted by the Secretary or on any other information submitted to or obtained by the Panel, that in opposition to the Secretary’s determination, because the filing of accusations or charges is in order, a full investigation is merited.
 - (c) When, pursuant to Section 6 of this Act, the Secretary is charged with committing any of the crimes referred to in Section 4 of this Act and the Panel determines that a full investigation is merited because the filing of accusations or charges might be in order. In any case, the Panel shall designate a Special Prosecutor only when the information submitted strictly complies with the following requirements:
 - (i) It comes from a highly-credible source;
 - (ii) it is detailed, and
 - (iii) it establishes a high degree of probability that any of the crimes referred to in Section 4 of this Act have been committed.
- (2) In appointing a Special Prosecutor, the Panel shall establish the limits of his commission and jurisdiction. The Panel shall reveal the identity of the Special Prosecutor as well as establish the limits of his commission and jurisdiction.
- (3) The Panel may extend the commission and jurisdiction of a Special Prosecutor on duty, upon request of said Special Prosecutor, or the Secretary of Justice, or on its own initiative. Said determination may be made to avoid having to appoint a new Special Prosecutor. More than one matter or investigation may be entrusted to each Special Prosecutor.
- (4) The Panel may consolidate the investigation under one single Special Prosecutor in special situations in which the investigations of several officials are interrelated.
- (5) The Panel shall exercise due supervision over the Special Prosecutor so that the investigative task is diligently, expeditiously and quickly carried out to fully comply with the purpose of this Act and with any other requirement or term that is applicable to the Special Prosecutor.
- (6) The Panel may request from the Special Prosecutor whatever reports are needed to make any decisions that may simplify the commission and work of the Special Prosecutor, as well as the performance of a full investigation regarding the complaint or charge in question.
- (7) In case of death, resignation or dismissal or separation from office of the Special Prosecutor, the Panel shall appoint a substitute on a temporary basis who shall exercise all duties, faculties and powers of the position until the vacancy is filled, and the Panel appoints a new Special Prosecutor, and he takes office.

Section 12. — Provisions regarding the Special Prosecutor. (3 L.P.R.A § 99s)

(1) Every Special Prosecutor shall be an attorney admitted to the practice of the profession by the Supreme Court of Puerto Rico and who is a citizen of the United States and a bona fide citizen and resident of Puerto Rico. The person designated by the Panel as Special Prosecutor shall be of renowned prestige, integrity and moral and professional reputation; furthermore, Provided, That every Special Prosecutor shall have a minimum of six (6) years of experience in the exercise of the legal profession.

(2) The Special Prosecutor’s remuneration shall be fixed by an agreement adopted between him and the Panel.

(3) In the exercise of the authority granted by this Act, every Special Prosecutor shall have, with respect to the matters concerning his commission and jurisdiction, all the powers and faculties of the Department of Justice, the Director of the Bureau of Special Investigations and any other official to whom this Act grants authority to investigate and prosecute violations to the Penal Act.

Every Special Prosecutor shall have the faculty and authority for the following, without it being construed as a limitation:

(a) Request the Panel to contract professional advisory services or services of any other nature without being subject to the bidding process;

(b) Carry out any kind of investigations of individuals, entities and documents related to his jurisdiction or commission, for which he shall have access to the files and records of all the agencies of the Government of the Commonwealth, except to those that are confidential, pursuant to the statutes in force.

(c) Resort to the courts to require that the information denied by any government official or employee or private individuals be surrendered to him, and which may contain any executive privilege plea or any other testimonial privilege.

(d) Provide protection to witnesses summoned by him, and resort to the courts to request orders forbidding any conduct that may affect the peace of said witnesses.

(e) Upon the approval of the Panel, grant witnesses in criminal, civil, or administrative cases the immunity he deems necessary to effectively discharge his duties in accordance with this Act;

(f) Require the collaboration of agencies so that they provide him with any resource or assistance he deems necessary to effectively comply with his commission.

(g) Inspect, obtain or use the original or copy of any income tax return pursuant to applicable laws and regulations.

(h) Take oaths and statements and require the appearance of witnesses and the production of books, letters, documents, papers, files and all objects needed for a full knowledge of the matters under investigation that are related to his jurisdiction and commission, under admonition of contempt.

(i) Delegate the attorneys or officials under his supervision any faculty or power to investigate and prosecute the criminal actions that are in order within the range of his jurisdiction. The attorneys under his supervision may act as representatives of the Special Prosecutor in those matters that he

expressly determines, and for all legal purposes, these delegates shall be recognized as if their duties were being carried out directly by the Special Prosecutor.

(j) Represent the Government of the Commonwealth of Puerto Rico in all those matters under his commission and jurisdiction in which it is a party to, or is interested in, and in the cases that are being appealed or are otherwise before the Supreme Court of Puerto Rico or before the United States courts.

(k) Request the Panel to refer matters related to his commission;

(l) Request the Panel to process the assignment of human resources from other government agencies as are necessary to carry out the type of investigation entrusted.

(4) The Special Prosecutor shall complete the investigation commissioned to him within a term that shall not exceed ninety (90) days, counted from the date that the commission is received; Provided, however, That the Panel may fix a special term in those cases in which it is justified. Whenever the Special Prosecutor deems that it is impossible to adequately complete the investigation in said term due to its nature and complexity, he may request an additional term that shall not exceed ninety (90) days from the Panel, which shall grant it at its discretion.

(5) If the investigation is not completed within an additional ninety (90)-day extension, and if the statute of limitation of the offenses has not elapsed, the Panel, in the exercise of its discretion may direct motu proprio the investigation to be extended within a strict term that shall not exceed thirty (30) days.

(6) The Special Prosecutor shall file the accusations and shall prosecute the corresponding actions within a term that shall not exceed thirty (30) days after the investigation is completed. The Panel may extend this term when it is justified.

(7) Regardless of the disposition set forth in subsection (3) of this section, the Special Independent Prosecutor must have the approval of the Panel to accept or offer any prearranged pleadings. The Special Prosecutor shall request the approval of the Panel in writing, stating the scope and effects of the proposed prearranged pleading. The Panel shall have five (5) calendar days to reply to the request. If not answered within the required term, the request shall be understood as denied. In those cases in which pleadings have been bargained, said Panel certified authorization must appear in the case records at the time of issuing the judgment.

(8) The appointment of a Special Prosecutor shall have the effect of depriving the Secretary of any jurisdiction regarding the investigation.

(9) The Special Prosecutor shall be considered for all purposes of law as a public official with respect to his conduct in the exercise of his duties, responsibilities, and prerogatives pursuant to this Act.

Section 13. — Exclusive Jurisdiction. (3 L.P.R.A § 99t)

Every Special Prosecutor shall have exclusive jurisdiction to investigate and prosecute those criminal actions contained within the commission which he is assigned. However, the Secretary of Justice may intervene as "amicus curiae" with regard to any legal matter that may arise in any proceedings in which a Special Prosecutor takes part in his capacity as such, or in any appeal of said action.

Section 14. — *[Note: Reorganization Plan No. 1 of January 3, 2012, added a new Section 14 and renumbered the other sections, but the official translation is not available. Please consult the Spanish version]*

Section 15. — Independence of the Position. (3 L.P.R.A § 99u)

In the exercise of the faculties and powers specified in this Act, no Special Prosecutor shall be subject to the authority or supervision of the officials or agencies of the Government of the Commonwealth of Puerto Rico, except as provided in this Act.

Section 16. — Reports. (3 L.P.R.A § 99v)

(1) Every Special Prosecutor shall submit to the Panel the partial reports he deems appropriate, or those that are requested from him with regard to his commission.

(2) Once the Special Prosecutor has completed his commission he shall submit a final report to the Panel, which shall contain a full and detailed description of the actions carried out, which shall be available to the public. He shall include in his report an account of the cases investigated and prosecuted. He shall state the reasons for deciding not to bring any action on the conduct or facts related to the commissioned investigation.

(3) The Special Prosecutor shall submit to the Legislative Assembly whatever information that, in his judgment, may constitute reasonable grounds to initiate an impeachment or expulsion proceeding. He shall likewise submit to the corresponding bodies any information that, in his judgment, constitutes reasonable grounds to file any other legal action.

Section 17. — Need for confidentiality to protect the investigation. (3 L.P.R.A § 99w)

(1) The Special Prosecutor shall not disclose, except to the Panel any information obtained during the course of his investigation before the final report is filed.

(2) In order to preserve the confidentiality of the investigations and the rights of the persons charged, the Panel shall not disclose the information submitted to it, and shall forbid the access of the public to the proceedings being tried. In the cases requested, and as an exception, the Panel may disclose information or data under his control when such disclosure:

- (a) Does not unduly interfere with any pending judicial action or investigation;
- (b) does not deny any person the right to a fair trial or impartial judgment;
- (c) does not constitute an unreasonable intrusion of privacy;
- (d) does not disclose the identity of a confidential source of information;
- (e) does not expose investigative techniques or procedures to the public that may affect the course of these investigations, and
- (f) does not jeopardize the life or physical safety of officials, persons or witnesses.

Section 18. — Causes and procedures for dismissal from Office. (3 L.P.R.A § 99x)

(1) The Special Prosecutor and the members of the Panel may be dismissed from office only for the following reasons:

- (a) Immoral conduct;
- (b) professional incompetence or obvious ineptitude in the performance of their duties and obligations;
- (c) conviction for any felony or misdemeanor that implies moral turpitude;

- (d) unreasonable retaining of his office despite the conclusion of all the duties commissioned to him;
 - (e) dereliction of duties;
 - (f) obvious abuse of the authority conferred by this or other acts;
 - (g) the publication of a report whose disclosure is not authorized by this Act.
- (2) The Special Prosecutor and the members of the Panel may be dismissed from office for participating in political activities, including the following:
- (a) Participate actively in political campaigns.
 - (b) Hold positions in organizations or political parties of any kind.
 - (c) Contribute money, directly or indirectly to candidates, organizations, or political parties.
 - (d) Participate in reunions, commissions, meetings, social gatherings, assemblies, conventions, primaries or other political acts.
 - (e) Actively endorse candidates for elective positions.
 - (f) Make public statements or manifestations on matters of political-partisan nature.
 - (g) The Special Prosecutor and the members of the Panel shall not use their positions to advance personal political agendas.
- (3) The Special Prosecutor and the members of the Panel can be dismissed from office because of physical or mental disability. The dismissal shall be deemed as a voluntary resignation for all legal effects and purposes.
- (4) The Special Prosecutor may be dismissed from office by the Panel, after charges have been brought, complying with due process of law.
- (5) The members of the Panel may be dismissed from office for the above-mentioned reasons by the Governor of Puerto Rico, through the due process of law.

Section 19. — Term of office. (3 L.P.R.A § 99y)

The term of office of a Special Prosecutor shall expire when he submits a final report to the Panel, pursuant to the provisions of this Act. All property, cases files and documents related to the same shall remain in custody of the Panel.

Section 20. — (3 L.P.R.A § 99z)

No person who has been appointed Special Independent Prosecutor shall hold any other public office during his/her term and until the year following the year he/she ceased as such. Provided, further, That special independent prosecutors and special delegates during their tenure as Special Prosecutor shall not intervene in any other affair of a civil, administrative [or] criminal nature having common or similar elements to, or that have or appear to have a conflict of interest with any matter that is or could be the subject of their mandate.

Section 21. —Exclusion from Application of Laws (3 L.P.R.A § 99aa)

In order to promote and ensure the administrative autonomy that is essential to carry out the critical function entrusted thereto, the Office of the Special Independent Prosecutor’s Panel shall be excluded from the application of Act No. 184-2004, as amended, known as the “Public Service

Human Resources Administration Act of the Commonwealth of Puerto Rico” [Note: Repealed and replaced by [Act 8-2017](#)]; Act No. 230 of July 23, 1974, as amended, known as the “Government of Puerto Rico Accounting Act”; Reorganization Plan 3-2011, known as the “2011 General Services Administration Reorganization Plan” [Note: Repealed and replaced by [Act 73-2019](#)]; Act No. 78-1997, as amended, known as the “Act to Regulate Controlled Substances Detection Tests in the Public Sector Workplace” and from the Unique Registry of Bidders attached to the General Services Administration; Act No. 45-1998, known as the “Puerto Rico Public Service Labor Relations Act”; Act No. 5 of December 8, 1955, as amended, known as the “Public Documents Administration Act”; Act No. 265-2003, known as the “Act for Regulating Certain Government Financing and Personal Property Leasing Contracts”; [Act No. 147 of June 18, 1980, as amended, known as the “Organic Act of the Office of Management and Budget”](#); and Act No. 209-2003, as amended, known as the “Puerto Rico Statistics Institute Act.” Likewise, the Office shall remain exempt from the provisions of Act No. 7-2009, as amended, known as the “Special Act to Declare a State of Fiscal Emergency and Establish a Comprehensive Fiscal Stabilization Plan to Salvage the Credit of Puerto Rico.” The provisions of Act No. 197-2002, known as the “Act to Regulate the Transition Process of the Government of Puerto Rico,” shall only apply to the Office solely with respect to the fiscal account statements.

Section 22. — Appropriation of Funds. (3 L.P.R.A § 99h note)

The amount of five hundred thousand(600,000) dollars is hereby appropriated to the Secretary of the Treasury from unencumbered funds in the Commonwealth Treasury to be covered into a Special Fund which shall not be bound to a specific fiscal year. The Secretary of the Treasury shall authorize duly-certified disbursements from said Special Fund by any Special Prosecutor or the Panel as necessary expenses incurred in the performance of their duties, and transacted pursuant to the requirements and regulations especially adopted by the Secretary of the Treasury. In subsequent years, and whenever it is necessary, the Panel may request the funds needed to maintain said Special Fund with a minimum of five hundred thousand (600,000) dollars directly from the Legislative Assembly without having to obtain the prior approval of the Office of the Budget and Management.

Section 23. — Separability of the provisions. (3 L.P.R.A § 99h note)

If any provision of this Act is declared unconstitutional by any Court of competent jurisdiction, the judgment rendered shall not affect nor invalidate the rest of this Act, and its effect shall be limited to the clause, paragraph, section or part declared unconstitutional.

Section 24. — Effectiveness. (3 L.P.R.A § 99h note)

This Act shall take effect thirty (30) days after its date of approval; Provided, that its provisions shall apply to all information, report or complaint filed on facts that occur after the effective date of this Act.

Note. This compilation was prepared by the [Puerto Rico Office of Management and Budget](#) staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text and the collection of Laws of Puerto Rico Annotated LPRA. The state links acts are property of [Legislative Services Office](#) of Puerto Rico. The federal links acts are property of [US Government Publishing Office GPO](#). Compiled by the Office of Management and Budget Library.

See also the [Original version Act](#), as approved by the Legislature of Puerto Rico.