

## *Payment of Pensions for Disability or Death in Line of Duty*

Act No. 127 of June 27, 1958, as amended

(Contains amendments incorporated by:

Act No. 60 of June 20, 1962  
Act No. 54 of May 31, 1972  
Act No. 19 of May 22, 1978  
Act No. 93 of June 4, 1983  
Act No. 1 of February 16, 1990  
Act No. 134 of August 13, 1996  
Act No. 191 of August 7, 1998  
Act No. 142 of July 3, 1999  
Act No. 174 of July 30, 1999  
Act No. 296 of December 3, 2003  
Act No. 212 of December 26, 2007  
Act No. 7 of February 15, 2008  
Act No. 260 of August 13, 2008)

(Amendments non-incorporated:

Act No. 20 of February 24, 2011  
Act No. 213 of October 26, 2011  
Act No. 244 of December 14, 2011)

To provide for the payment of pensions to the members of the Police, the Fire Corps, the Penal Guard, the National Guard, and to the Internal Revenue Agents, and pensions or death benefits to their beneficiaries, in case of death; to determine the circumstances under which the provisions of this act shall be applicable; to provide the necessary funds for the payment of the pensions and benefits for death provided by this act, and to repeal Act No. 189, approved May 2, 1951.

### STATEMENT OF MOTIVES

The People of Puerto Rico has five kinds of servants of the public security whose lives are often risked at the expense of physical disability or death while engaged in the performance of their respective duties in behalf of the community: the members of the Police, the Fire Corps, the Penal Guard, the National Guard, and the Internal Revenue Agents.

In recognition of the risk involved in the performance of the duties of these public servants, and as a fair recompense for the zeal, courage, loyalty and firmness displayed by them in facing that risk, the Legislature feels it is the duty of the Government of Puerto Rico

to grant to these servants, in case of physical or mental disability, or, in case of death, to his relatives, a pension or payment for death that will enable them adequately to meet their needs.

*Be it enacted by the Legislature of Puerto Rico:*

**Section 1. — Definitions.** (25 L.P.R.A. § 376)

The following terms and phrases used in this Act shall have the meaning stated below, except when the context clearly indicates otherwise:

(a) *Employee.* Shall mean any member of the Police, the Municipal Police, the Firefighters Corps, the Corrections Administration Custody Officer Corps, the National Guard, or the Rangers Corps, or Internal Revenue Agents, Special Investigations Bureau Agents, Marshals of the General Court of Justice, Superintendents of the Correctional Administration correctional institutions, and the Corrections Administrator.

(b) *Municipal police.* Shall mean the personnel attached to the Municipal Police Corps created by Act No. 19 of May 12, 1977, as amended [21 L.P.R.A. §§ 1061 et seq.], with the purpose of assisting the Puerto Rico police in the tasks leading to maintain public order and protect the life and properties of the citizens.

(c) *Member of the Police.* Means only the personnel who directly perform tasks aimed at maintaining public order and protecting the lives and properties of the citizens, and such other similar duties as are heretofore or may hereafter be imposed upon the Police of Puerto Rico as organized under Act No. 77 of June 22, 1956.

(d) *Member of the Fire Corps.* Means the personnel of the Puerto Rico Firefighters Corps created by Act No. 158 of May 9, 1942, whose duties include direct intervention in the extinction of fires.

(e) *Members of the Penal Guard.* Means the personnel of the Penal Guard created by Act No. 489 of April 29, 1946.

(f) *Member of the National Guard.* Means the officers, noncommissioned officers and privates of the National Guard, as organized by Act No. 28 of April 12, 1917.

(g) *Member of the Rangers Corps.* Means only such personnel that directly performs the work of protection, conservation, defense and safeguarding of the natural resources pursuant to Act No. 1 of June 29, 1977, as amended [12 L.P.R.A. §§ 1201-1210].

(h) *Internal Revenue Agent.* Shall mean the Director of the Special Investigations Service of the Department of the Treasury and the personnel of said Department holding positions classified by the Office of Personnel as Internal Revenue Agent and Special Internal Revenue Agent.

(i) *State Attorney's Office.* Shall mean the General Special Prosecutors I, II and III; Assistant Prosecutors I, II and III; District Prosecutors; Advocates for Minors; Special Prosecutors for Family Relations, Special Prosecutors with temporary appointments; District Court Assistant Prosecutor I and Court of First Instance Assistant Prosecutor, all known as members of the State Attorney's Office.

(j) *Agent of the Bureau of Special Investigations.* Means the personnel in charge of investigations of the Bureau, established by Act No. 38 of July 18, 1978 as amended [3 L.P.R.A. §§ 138-138r].

(k) *Superintendent of Penal Institutions.* Means the persons appointed by the Secretary of Justice for positions classified by the Personnel Office as such in the penal institutions of the Department of Justice.

(l) *General Administrator of the Prison Industries Corporation of Puerto Rico.* Means the person appointed by the Secretary of Justice to hold the position of General Administrator of the Prison Industries Corporation of Puerto Rico, under the provisions of Act No. 505 of April 30, 1946, as amended.

(m) *Deputy General Administrator of the Prison Industries Corporation of Puerto Rico.* Means the person appointed to hold the office of Deputy General Administrator of the Prison Industries Corporation of Puerto Rico, subject to the provisions of Act No. 505 of April 30, 1946, as amended.

(n) *Correction Director and Deputy Directors.* Means the persons appointed in such capacity by the Secretary of Justice.

(o) *Employer.* Means the Government of the Commonwealth of Puerto Rico and its instrumentalities, excluding its political subdivisions.

(p) *Administrator.* Shall mean the Administrator of the Retirement System of the Employees of the Government of Puerto Rico and its Instrumentalities, as provided in Act No. 447 of May 15, 1951, as amended [3 L.P.R.A. §§ 761 et seq.].

(q) *Board.* Means the Board of Trustees of the Employees Retirement System of the Government of Puerto Rico and its Instrumentalities.

(r) *Salary or compensation.* Means the total cash remuneration earned by an employee for his services before any deductions whatsoever are made therefrom. For the effects of the members of the National Guard, the salary shall be deemed equal to the basic compensation received from the Armed Forces of the United States, for services rendered in Puerto Rico, by a serviceman of the same rank and years of service as the employee, on the date of his disability or death.

(s) *Beneficiaries.* Shall mean the surviving spouse, while remaining in a widowed state; the unemancipated children less than twenty-one (21) years of age or pursuing studies, and disabled children, as long as their disability persists. The term "children" shall include adopted children and foster children towards whom the employee acted as their parent. In the absence of all of the above, the father and mother of the employee shall be beneficiaries.

(t) *Children pursuing studies.* Means unemancipated children, by blood or adopted, and stepchildren toward whom the employee acted as parent, who are under twenty-five (25) years of age and are bona fide students taking a complete course in an accredited educational institution, and who do not hold remunerative positions, but depend upon the employee for their support.

(u) *Marshal.* Shall mean the official attached to the General Court of Justice, acting as such, pursuant to Act No. 64 of May 31, 1973 [4 L.P.R.A. §§ 521-525] "Judiciary Branch Personnel Act".

**Section 2. — Application of this Act.** (25 L.P.R.A. § 377)

The provisions of this Act and the regulations approved for its administration shall apply to any person who, while performing of his/her functions as a member of the Police, the Firefighters Corps, the Custodial Officers of the Corrections Administration, the National Guard, the Rangers Corps, or as Internal Revenue Agent, Special Investigations Bureau Agent, Superintendent of the Penal Institutions of the Department of Justice, the General Administrator or the General Deputy Administrator of the Puerto Rico Prison Industries Corporation, Deputy Directors of Corrections Administration, or Marshal of the General Court of Justice, becomes physically or mentally disabled for service, or dies under any of the following circumstances:

(1) In the case of a member of the Police:

- (a) When attacked while preventing or attempting to prevent the commission of a crime;
- (b) when attacked while arresting or attempting to arrest someone who can be reasonably presumed to be connected to the commission of a crime; on making searches and raids, or during the [interrogations] following said searches and raids, or in the act of confiscating weapons or any item, regardless of its nature, that is in the possession of persons in violation of any statute;
- (c) when attacked while ending or trying to end any disturbance, riot, or any act that is contrary to law and order, the public safety or duly constituted authority;
- (d) while on the way to, or while rendering services in fighting a fire;
- (e) while intervening to save the life of a person or to protect properties that are endangered in any way, at the expense of his/her own life, or
- (f) when attacked upon intervening with a demented person in order to place him/her in an institution, or to submit him/her to a judicial procedure or treatment.

(2) In the case of a member of the municipal police:

- (a) When attacked while preventing or attempting to prevent the commission of a crime.
- (b) When attacked while arresting or attempting to arrest someone who can reasonably be presumed to be involved in the commission of a crime; while performing searches and raids or during the questioning following such searches and raids; or while engaged in the confiscation of weapons, or any item, regardless of its nature, which is in the possession of persons who are violating any statute.
- (c) When attacked while stopping or attempting to stop any disturbance, riot, or any act that is contrary to law and order, the public safety or duly constituted authority.
- (d) When going to, or while rendering services in fighting a fire.
- (e) When intervening in saving the life of a person, or protecting properties that are endangered in any way, at the expense of his/her own life.
- (f) When attacked upon intervening with a demented person in order to place him/her in an institution or to submit him/her to judicial procedure or treatment.

(3) In the case of a member of the Firefighters Corps:

- (a) While on the way to, or while engaged in the extinction of a fire.
- (b) When attacked while stopping or attempting to stop any disturbance, riot, or any act that is contrary to law and order, the public safety or duly constituted authority.
- (c) When intervening to save the life of a person or to protect properties that are endangered under any circumstance, for which he/she would have to risk his/her own life.

- (d) When training or performing fire drills to test his/her skills and develop new techniques that can be used in the extinction of fires.
- (4) In the case of a member of the custodial officers of the Corrections Administration, the Superintendents of the Correctional Institutions of the Corrections Administration, the Penal Correction Administrator of the Department of Justice, and the Juvenile Institutions Administrator, while complying with the functions of his/her office:
  - (a) When attacked while attempting to prevent the commission of a crime;
  - (b) when attacked while arresting or attempting to arrest someone who can reasonably be presumed to be involved in the commission of a crime;
  - (c) when attacked while preventing or attempting to prevent a disturbance, violation of the rules of the penal institutions in Puerto Rico, or any other irregularity, which is contrary to law and order, the public safety or duly constituted authority, or
  - (d) when attacked while preventing or attempting to prevent the escape of a prisoner, or of any other person whose custody or transportation has been entrusted to him/her.
- (5) In the case of a member of the National Guard who is in active service due to an emergency called by the Governor:
  - (a) When attacked, while preventing or attempting to prevent a crime from being committed;
  - (b) when attacked while arresting or attempting to arrest someone who can reasonably be presumed to be involved in the commission of a crime;
  - (c) when attacked, when stopping or attempting to stop any disturbance, riot, or any act that is contrary to law and order, the public safety, or duly constituted authority, or
  - (d) when intervening to save the life of a fellow man, or to protect any property that is endangered under any circumstance, for which he/she has to risk his/her own life.
- (6) In the case of a member of the Rangers Corps:
  - (a) When attacked while preventing or attempting to prevent the commission of a crime.
  - (b) When attacked while executing a search or raid related to violations of the laws whose implementation has been entrusted to the Department of Natural and Environmental Resources.
  - (c) When attacked while executing an arrest warrant duly issued by a court of justice.
- (7) In the case of an internal revenue agent:
  - (a) When attacked upon discovering a violation of any of the internal revenue laws of Puerto Rico, or of any of the federal drugs and narcotics laws;
  - (b) when attacked while accompanying officials arresting persons who can reasonably be presumed to be connected to the commission of a crime, or
  - (c) when attacked while making searches or raids, or during the inquiries following said searches or raids in the act of seizing objects held by persons in violation of the internal revenue laws of Puerto Rico or the federal drug and narcotic laws.
- (8) In the case of an agent of the Special Bureau of Investigations:
  - (a) When attacked while preventing or attempting to prevent the commission of a crime.
  - (b) When attacked while making an arrest in compliance with the functions assigned to said Bureau by the Department of Justice Bureau of Special Investigations enabling act.
- (9) In the case of a Marshal of the General Court of Justice:
  - (a) When attacked while preventing or attempting to prevent the commission of a crime.

- (b) When attacked while arresting or attempting to arrest someone who can be reasonably presumed to be connected with the commission of a crime.
- (c) When attacked while ending or trying to end any disturbance, violation of the rules of the courts of Puerto Rico or any irregularity that is contrary to law and order and the public safety.
- (d) When attacked while executing or serving an arrest warrant or of any kind, mandate, subpoena, order or summons duly issued by a court of justice.
- (e) When attacked while preventing or attempting to prevent the escape of an inmate or any person whose custody or transportation has been entrusted to him/her.
- (f) When attacked while keeping order or personal safety of judges, jury members, witnesses, employees, officials, and general public in court or where he/she has been called to render services.
- (g) When attacked even if off duty, and loses his/her life or becomes disabled as a result of such attack, provided, that there is established that such attack was conducted in retaliation or revenge related to an intervention or proceeding related to his/her official duties.

**Section 3. — Disability Annuity.** (25 L.P.R.A. § 378)

Every employee who, as the result of a disability under the circumstances described in Section 2 of this Act, is prevented from fulfilling the duties of his/her office, or from working in another job at the service of the employer, which in the judgment of the employer, he/she cannot conveniently perform, shall have the right to receive a disability pension which shall be equal to the salary rate received on the date of severance. If the employee entered the System after the 1st of April, 1990, for the first time, he/she shall be entitled to receive a disability pension equal to eighty percent (80%) of the salary received on the date of severance. When the nature of the disability allows the employee to be reassigned to a job in the service of the employer with a salary lower than what he/she was receiving, the pension to which he/she shall be entitled shall be equal to the difference between the salary of his position and that of the job to which he/she is reassigned.

The above shall not prevent that the beneficiaries of disability pensions may generate additional income by performing other low-risk duties or functions, in which his/her disability does not constitute an obstacle for their performance.

The disability retirement of the employee shall occur at his/her request or that of his/her authorized representative, or by petition of the corresponding nominating authority.

If the employee dies while enjoying his/her disability pension, as a result of the condition for which it was granted, his/her beneficiaries shall be entitled to receive a pension equal to the salary of the employee when the disability occurred, and under the same terms that govern the death benefits subsequently established in this Act. If the employee entered the Retirement System for the first time after April 1, 1990, his/her beneficiaries shall be entitled to receive a pension equal to eighty percent (80%) of the salary of the employee when the disability occurred.

**Section 3-A. — Periodic Increase in Pensions.** (25 L.P.R.A. § 378a)

As of July 1, 1996, and subsequently every three (3) years, a three-percent (3%) adjustment shall be made to all annuities paid under this Act, which are effective as of July 1 of the year in which the increase is granted, and which have been received for at least three (3) years before the date of the increase. Any increase granted by law to benefit all the annuities paid under the provisions of Act No. 447 of May 15, 1951 [3 L.P.R.A. §§ 761 et seq.], for reason of age, years of service or disability shall also be granted to the participants covered by the provisions of this Act as of the date of effectiveness of the same.

**Section 4. — Rules Governing Disability Annuities.** (25 L.P.R.A. § 379)

(a) An employee shall be deemed disabled:

- (1) When evidence regarding the mental or physical disability of the employee is received from the physician designated by the administrator.
- (2) When the disability arises as a result of the provisions of Section 2 of this Act.
- (3) When, in the judgment of the Administrator, such disability prevents the employee from conveniently performing the duties of his office or of any other job that is assigned in the service of the employer with a salary that is at least equal to that which he receives, or when as a result of such disability he is reassigned to a job with a salary below that which he receives.

(b) He shall be entitled to this annuity, provided that:

- (1) The disability is compensable according to the provisions of the Workmens's Accident Compensation Act.
- (2) The disability is certified with sufficient medical evidence and in accordance with the regularly accepted criteria in the field of disability compensation, fixed by the Administrator through regulations. The Administrator may send the employee for an additional evaluation by one or more physicians that the former may designate.

The Administrator of the Commonwealth State Insurance Fund shall put at the disposal of the Administrator of the Retirement System, at his request, the medical reports of examinations performed on the employee, and any other document related to the work accident that motivates the claim for disability pension or death benefits.

**Section 5. — Death Benefits.** (25 L.P.R.A. § 380)

Upon the death of an employee under the terms provided in Section 2 of this Act, the beneficiaries shall receive an annuity equal to the remuneration he was receiving at the time of death, according to the following distribution: fifty percent (50%) for the surviving spouse, and the remaining fifty percent (50%) divided in equal parts among the remaining beneficiaries. If upon his death the employee has no surviving spouse, or if the death of said surviving spouse should occur while he is enjoying the annuity, the share corresponding to the surviving spouse shall be distributed equally among the other beneficiaries. If the death of any other beneficiary should occur while enjoying his annuity, his share shall be distributed equally among the other beneficiaries. Notwithstanding the above, when there is only one beneficiary, he/she shall be entitled to the full amount of the annuity.

In those cases of employees who at the time of their death are not members of one of the retirement systems maintained by the employer for his employees, and who have no surviving beneficiaries, a lump sum death payment shall be made in cash to the person or persons designated by the employee, on a written duly recognized order filed with the Administrator, or to his heirs, if there is no such designation. This death payment shall be equal to two thousand dollars (\$ 2,000) or to the annual compensation of the employee at the time of his death, whichever is greater. Said payment shall be distributed according to the proportion established by the employee on the written order filed with the Administrator, or in lieu of a written order, in the proportion established by law.

**Section 5.1. — Death benefits--Line of duty.** (25 L.P.R.A. § 380a)

In addition to the death benefits previously mentioned in this Act, when a Commonwealth Police Officer dies in the line of duty within the jurisdiction of the Commonwealth of Puerto Rico and he or she has a mortgage on his/her main residence, which has been executed with the only purpose of buying, crediting or paying off the debt on said property, his/her widow/widower or dependent children may receive a payment for up to a maximum of sixty thousand dollars (\$60,000), in the discretion of the Police Superintendent, to cover the payment of said mortgage; when the debt does not exceed sixty thousand dollars (\$60,000), it shall be applied automatically. Said payment shall be made on behalf of the financial institution that holds the said mortgage. In those cases in which the mortgage of the main residence of the family nucleus at the time of the death is not in the name of the police officer fallen in the line of duty, the Police Superintendent shall have the discretion to grant this benefit when it is proven that the mortgage covered that payment of the main residence of the deceased police officer and his/her widow/widower or children.

It shall be the duty of the Police Superintendent to establish the regulations and forms needed for the implementation of this section.

**Section 5.2. — Death benefit--Special fund; creation .** (25 L.P.R.A. § 380b)

A fund is hereby created in the books of the Department of the Treasury of Puerto Rico, to be denominated "Special Benefit Fund for Death in the Line of Duty", attached to the Department of the Treasury and without a specific fiscal year. The accounting of the financial resources contributed to the Fund shall be separate from any other funds under the custody of the Secretary of the Treasury.

The Fund created by virtue of this section shall be administered by the Department of the Treasury, with the purpose of ensuring the payment of the benefit created by Section 5.1 of Act No. 127 of June 27, 1958, as amended [25 L.P.R.A. § 380a]. It shall be the duty of the Puerto Rico Police Superintendent to notify the Secretary of the Treasury of the beneficiaries that meet the requirements imposed by this Act or by regulations created to this effect and the amount to be granted for the Secretary of the Treasury to make the disbursement of said payment.

The financial resources or assets of the Fund shall be used solely and exclusively in activities and commitments, pursuant to the purposes established in this Act. The Secretary of the Treasury shall be responsible for submitting a written report to the Ways and Means

Committees of the Legislature and to the Governor, on or before March 25 of each year, itemizing the use of the funds provided for by this Act.

The Department of the Treasury shall make all provisions and take all measures necessary to ensure the strict compliance [with] this Act and the Department of the Treasury is authorized to issue the regulations, forms and orders needed for the proper administration of the Fund pursuant to the provisions of this Act.

**Section 6. — Rules governing death benefits.** (25 L.P.R.A. § 381)

In all cases of beneficiaries who are minors or physically or mentally incapacitated, the payment of the death benefits provided in Section 5 of this Act shall be made through the person under whose custody they are. In all cases of persons who have been deprived of their civil rights, such payments shall be made through the guardian who for the purpose may have been appointed by the proper court.

Whenever a person loses his status of beneficiary for any of the causes provided in this Act, except death, the payment of his share of the annuity shall be discontinued.

Upon the death of an employee who is receiving a disability annuity under this Act, if the cause of his death bears no relation to the condition for which the annuity was granted to him, there shall be paid to the beneficiaries, in the proportion established in Section 5, or in default of any beneficiary, to the person or persons nominated by the employee in a written order filed with the Administrator, or to his lawful heirs if there is no such written order, the sum of two hundred dollars (\$200), or the excess, if any, of the accumulated contributions of the employee in the retirement system of which he was a member on the date of his disability retirement over the retirement annuity payments received by him, whichever amount is higher. The benefits directed in this paragraph shall be paid from its own funds by the retirement system of which the employee was a member at the time of his disability retirement.

**Section 7. — Regulations and reports; review of controversies.** (25 L.P.R.A. § 382)

The Administrator shall prepare and promulgate the necessary regulations to put into effect the provisions of this Act. At the request of the Administrator the pertinent appointing authorities shall submit such reports as he may deem necessary concerning the facts which may give rise to claims under said sections.

The Board of Trustees of the Employees' Retirement System of the Government of Puerto Rico and its Instrumentalities is hereby empowered to investigate and resolve on appeal, at the request of a party, all controversies arising in relation to this Act between any person and the Administrator.

**Section 8. — Exemptions for annuities; retention for application to loans.** (25 L.P.R.A. § 383)

The annuities granted by this Act shall be exempt from attachment or execution and from the payment of income tax. A part of such annuities may, however, be withheld by the Secretary of the Treasury to be applied toward the payment of any loan obtained by the

employee from any fund, association, public enterprise or any other loan agency created by the employer for the purpose of granting loans to its employees. The sum so withheld cannot be greater than the sum agreed upon between the employee and the entity granting him the loan.

**Section 9. — Payments as additional to workmen's compensation; incompatibility with other benefits; determination of pending claims. (25 L.P.R.A. § 384)**

The payments provided by this Act shall be in addition to any compensation accruing under the Compensation System for Work-Related Accidents Act.

The disability annuities and death benefits granted by this Act shall be incompatible with all other death benefits or annuities provided by the pension funds in force, or which may hereafter be created for the employees of the Government of Puerto Rico, and with all other similar benefits provided by law chargeable to public funds.

All annuity claims under Act No. 189 of May 2, 1951, that may have been submitted to the pertinent appointing authorities and may be pending resolution on July 1, 1958 shall be referred by said appointing authorities to the Administrator, who shall take with respect thereto whatever action may be pertinent pursuant to this Act.

**Section 10. — Judicial proceedings; certificates of registries, offices, etc.; fees. (25 L.P.R.A. § 385)**

The judicial proceedings which in the judgment of the Administrator or of the Board are necessary for the enforcement of the provisions of this Act shall be prosecuted by the Department of Justice, free from the payment of dues and fees. All registries, offices or official centers of the Government of Puerto Rico shall render the services and issue the certificates required therefrom by the Administrator in the administration of said section, free from the payment of any fees prescribed by law.

**Section 11. — Appropriations and funds. (25 L.P.R.A. § 386)**

The necessary sums for the enforcement of the provisions of this Act and the administration thereof shall be included in the Government Operating Budget Act. The Secretary of the Treasury is hereby authorized to place at the disposal of the Administrator, from any available funds in the Treasury of Puerto Rico not otherwise appropriated, the necessary sums when those set forth in the Budget Act for the enforcement of the provisions of this Act may be insufficient. These sums, plus such appropriations as on July 1, 1958 may appear in the Budget Act for the payment of annuities granted under the provisions of Act No. 189 of May 2, 1951, shall be covered into the funds of the Employees' Retirement System of the Government of Puerto Rico and its Instrumentalities.

**Section 12. — Repeal.** (25 L.P.R.A. § 387)

Act No. 189 approved May 2, 1951, is hereby repealed. The annuities already granted pursuant to Act No. 189, approved May 2, 1951, as of July 1, 1958, shall continue in force and shall be paid, on and after said date, by the Employees' Retirement System of the Government of Puerto Rico and its Instrumentalities pursuant to the provisions of said act. Notwithstanding this provision, the disability annuities under said act shall be subject to the provisions of this Act.

**Section 13. — Effectiveness.**

This act shall take effect July 1, 1958.

**Note. This compilation was prepared by the Puerto Rico OMB 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. Compiled by the Office of Management and Budget Library.**