

## ***Pension to the Beneficiaries of the Puerto Rico Police***

Act No.169 of June 30, 1968, as amended

(Contains amendments incorporated by:

Act No. 4 of May 20, 1969)

(Amendments non-incorporated:

Act No. 211 of December 29, 2009)

To provide a pension to beneficiaries or heirs of members of the Police Force of Puerto Rico who died while receiving a pension from the Employees Retirement System of the Commonwealth Government of Puerto Rico and its Instrumentalities or from any other system or government pension act applicable to members of the Police of Puerto Rico.

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

### **Section 1. — [Beneficiaries] (25 L.P.R.A. § 391)**

On the death of a member of the Police Force of the Commonwealth of Puerto Rico while receiving a pension from the Employees Retirement System of the Commonwealth Government of Puerto Rico and its Instrumentalities, or from any other system or government pension act applicable to members of the Police of Puerto Rico, the beneficiaries designated by him to such effects or his heirs, including the surviving spouse, shall be entitled to a pension to be determined in accordance with the provisions of this Act.

The above-mentioned beneficiaries shall not be entitled to a pension, if the member of the Police Force, as participant of the Employees Retirement System of the Commonwealth Government of Puerto Rico, is covered by Title II of the Federal Social Security Act.

### **Section 2. — [Amount of pension] (25 L.P.R.A. § 392)**

If the member of the Police Force at the time of his death left only one beneficiary, said person shall receive sixty percent (60%) of the pension received by the deceased member of the Police. If more than one beneficiary, the latter shall jointly receive sixty percent (60%) of the pension received by the deceased member of the Police Force. In absence of designation of beneficiaries, the heirs shall receive in equal parts and jointly sixty percent (60%) of said pension.

### **Section 3. — [Distribution by Administrator of the System] (25 L.P.R.A. § 393)**

The Administrator of the Employees Retirement System of the Commonwealth Government of Puerto Rico and its Instrumentalities shall distribute the pension among the beneficiaries or heirs in accordance with the provisions of this Act.

**Section 4. — [Minors and handicapped persons]** (25 L.P.R.A. § 394)

In cases of minors or mentally handicapped persons, the pension corresponding to them may be delivered to their father or mother, as the case may be, or to any other person that the Court of First Instance may designate, in view of the welfare of said minors or mentally handicapped persons.

**Section 5. — [Suspension of pension upon attaining age of 18 or 25 years; handicapped]** (25 L.P.R.A. § 395)

Payments of pensions shall be suspended to the children of the deceased member of the Police Force upon their attaining the age of eighteen (18) years, except if they are persons permanently disabled for work by reason of their mental conditions or physical handicaps or until the age of twenty-five (25) years if they are pursuing studies.

Such studies shall be pursued in an institution recognized by the Higher Education Council of Puerto Rico or by the Department of Education, as the case may be.

**Section 6. — [Rules and regulations]** (25 L.P.R.A. § 396)

The Administrator of the Employees Retirement System of the Commonwealth Government of Puerto Rico and its Instrumentalities, shall have power, to promulgate, upon the previous holding of public hearings, such rules and regulations as may be necessary to carry out the provisions of this Act.

**Section 7. — [Suspension of pension upon marriage of widow or widower]** (25 L.P.R.A. § 397)

Right to pension of widow or widower shall cease should the latter contract marriage.

**Section 8. — [Reconsideration and appeal]** (25 L.P.R.A. § 398)

Any beneficiary or heir of the deceased member of the Police Force who does not accept the determination made by the Administrator of the Employees Retirement System of the Commonwealth Government and its Instrumentalities, with regard to his request for the payment of benefits, may request the reconsideration of same within the term of thirty (30) days after having been notified of the decision of the Administrator.

If the reconsideration is not requested or should the latter be adverse, the claimant may appeal to the Board of Trustees of the Retirement System within the thirty (30) days following the date on which the initial decision of the Administrator became final, or of having been notified of the final decision in reconsideration.

If the appeal before the Board of Trustees is adverse to said claimant, the latter may resort to the Court of First Instance with a petition of revision of the decision of the Board of Trustees, within thirty (30) days after notice of same has been served.

**Section 9. — [Special provisions]** (25 L.P.R.A. § 391 note)

The secretary of the Treasury of Puerto Rico is hereby directed and authorized to set aside and place at the disposal of the Administrator of the Employees Retirement System of the Commonwealth Government and its Instrumentalities, from any available funds in the Treasury of Puerto Rico, the sums that may be necessary for the carrying out of this act.

**Section 10. — [Special provisions]** (25 L.P.R.A. § 391 note)

This act shall retroactively be applied in those cases of pensioned policemen who have died and are survived by physically and mentally disabled children.

**Section 11. — [Right to other pensions]** (25 L.P.R.A. § 399)

In case the beneficiaries or heirs of pensioned policemen are entitled to receive, under any laws in force, a pension higher than that one provided by reason of the death of said officer, the highest pension shall be paid.

**Section 12. — [Exemption from attachment or execution]** (25 L.P.R.A. § 400)

The pensions granted under this Act shall be exempt from attachment or execution.

**Section 13. — [Effectiveness]** (25 L.P.R.A. § 391 note)

This act shall take effect immediately after its approval, except that the pensions granted hereunder to widows of policemen shall be paid on and from July 1, 1967.

**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.**