

“Department of Justice Organic Act”

Act No. 205 of August 9, 2004, as amended

(Amendments non-incorporated:
Act No. 229 of November 21, 2011
Reorganization Plan No. 5 of December 27, 2011
Act No. 50 of February 29, 2012)

To adopt the Department of Justice Organic Act, establish the functions and duties of the Secretary of Justice and all other officials and employees of the Department; provide on the personnel system and the internal organization of the Department of Justice, and create the Offices that are indispensable to fulfill its constitutional function; create the offices of Prosecutors and Advocates, establish their functions and duties, fix their salaries and benefits, provide for the granting of sabbatical leave and establish the causes for admonishment, severance, suspension and destitution of these officials and the disciplinary procedure; and repeal Sections 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, and 78 of the Puerto Rico Political Code, approved on March 1, 1902, as amended; Section 6 of the Act of February 20, 1903; Act No. 3 of 1904, as amended, which provides for the appointment of District Prosecutors; the Act of March 9, 1905, which prohibits that prosecutors practice the legal profession; Act No. 20 of May 29, 1925; Act No. 55 of April 30, 1938; Act No. 147 of May 9, 1938, as amended; Act No. 34 of November 21, 1941; Act No. 27 of July 2, 1947, as amended; Act No. 23 of June 24, 1952, as amended; Act No. 7 of May 15, 1959, as amended; Act No. 28 of June 4, 1960; Act No. 79 of June 21, 1962; Act No. 54 of June 6, 1963; Act No. 141 of June 30, 1966, as amended; Act No. 75 of June 6, 1968, as amended; Act No. 17 of May 8, 1973, as amended; Act No. 48 of July 2, 1985; and Act No. 83 of June 18, 2002.

STATEMENT OF MOTIVES

The Department of Justice was originated under Article 45 of the Charter of Autonomy of Puerto Rico of November 25, 1897, which created four Secretary offices, among which was the Office of the Secretary of Pardon and Justice and Government. During the United States of America military regime, a reorganization of the prevailing government system was made and through General Order No. 12 of February 6, 1899, the Department of Justice is thus created and denominated as we know it today.

Pursuant to this organization, the functions of the new Department would be related with the administration of justice, the appointment of judges and notaries, penal institutions and appeal recourses. The head of the Department of Justice would function independently from the other three heads of the constituted departments and would respond directly to the Governor-General.

The reform instituted by virtue of General Order No. 98 of July 15, 1899, confers on the Department the same attributions exercised by the United States Departments of Justice and Attorney’s Offices, being it determined that it would not have any authority whatsoever over the courts, which provided judges with complete independence. Attune with this reform, the title of Secretary was changed to General Solicitor and this official was entrusted with the direction of the Department of Justice and was basically conferred with functions similar to those this office has at present.

The Organic Charter of 1900, known as the Foraker Act, did not mention the Department, but created the office of the Fiscal General [translated as Attorney General] with the same attributions and functions corresponding to a United States Attorney. Barely two years after this reform, the Puerto Rico Political Code was adopted, which created the office of Attorney General [so in Spanish], upon which the functions that until then were exercised previously by the General Solicitor were delegated. Under this Code, the office of the Attorney General consolidated the function of being the legal counsel of the People of Puerto Rico in actions brought before the courts and the function of seeing over the internal administrative matters of the courts. This duality of functions was maintained with the approval of the Organic Act of the Judiciary of 1950 because, even when it created one judicial district, it maintained the involvement of the General Solicitor or Attorney General in the administrative matters of the courts.

It is not until the Constitution of the Commonwealth of Puerto Rico is approved that the Department of Justice is created under the direction of the Secretary of Justice, among the departments considered to be indispensable for conducting the administrative efforts of the Government. After its creation with constitutional standing, the only action taken by the Legislature with the purpose of organizing, enabling and providing for the functions and duties of the Department of Justice has been Act No. 6 of July 24, 1952, which transferred to the Department of Justice the same powers, functions and duties it had until then insofar as they were not incompatible with the Constitution. This is so, even when our Constitution consigned the power of the Legislature to reorganize and assign functions to the executive departments created through the Constitution.

As may be gathered from the historical track of the origins of the Department, with the exception of the articles of the Political Code of 1902, which establish the functions that correspond today to the Secretary of Justice, the Legislature has not approved an enabling act that integrates the functions of the Secretary of Justice and those of all other officials and employees of the Department. Together with the limited articles of the Political Code, which establishes the general function of the Secretary of Justice, we also find a large number of special laws creating all those offices which are indispensable for the Department to be able to carry out its tasks, such as the offices of the General Prosecutor of Puerto Rico, the General Solicitor of Puerto Rico, the Prosecuting Attorneys, the Family Advocates, the Special Advocates for the Protection of Minors, the Advocates for Minors’ Affairs, and the Property Registrars. These officials are appointed by the Governor of Puerto Rico for a fixed term; their appointments require the advice and consent of the Senate and by provision of a special law, they are under the direct supervision of the Secretary of Justice.

On the other hand, throughout all these years, the Legislature has approved special laws that have instituted programs and institutions attached to the Department of Justice, to address specifically various aspects and needs that have emerged as a result of a greater degree of

complexity and intensity recorded as to the areas of litigation, investigation and proceedings, as well as in the general society.

Likewise, the social reality of Puerto Rico has given rise to an increase in criminal activities which has required the establishment of a strong public policy to detect, fight and prevent crime and propitiate the canalization of government efforts toward the achievement of these purposes. The Department of Justice, together with all other components of the criminal justice system, plays an essential role in the design of strategies for the implementation of a coordinated government action that responds to the needs arising from the prevailing situation.

As a result of this dynamic process, the Department of Justice has had to assume new responsibilities and establish specialized programs and divisions, as well as modify its internal administrative organization to conform it to the priorities to be handled as demanded by the different areas under its jurisdiction. The greater part of these changes have been adopted based on the general legal norms and the inherent powers of public officials, but these do not arise from specific legal provisions. Even when Political Code articles in effect and the many special laws approved throughout one century have provided the legal basis which has allowed for the carrying out of the constitutionally conferred functions of the Department of Justice, it is indispensable to adopt an enabling act that integrates the laws which are now dispersed, in order to constitute the legal framework for its mission.

The circumstances stated above, together with the particular characteristic of the Department of Justice as the government body in charge of carrying out the fundamental function of representing the Commonwealth through officials appointed for a fixed term and the broad dimension of the matters under its jurisdiction, make manifest the need to adopt the Department of Justice Organic Act. Thus, the constitutional mission of the Department is incorporated into a framework provided by a statute that integrates, defines and updates all those provisions of law pertinent to the attributions and duties of the Secretary of Justice and his/her officials and employees, as well as to the administrative operation of the Department of Justice.

The Act hereby adopted to govern the processes of the Department of Justice gathers the public policy principles established throughout the years of its existence, reflects the wide scope of functions carried out by the Department at present, and establishes an appropriate legal framework for its organizational and administrative structure which allows for the necessary adjustments and changes to be made in order for it to fulfill its mandate.

Be it enacted by the Legislature of Puerto Rico:

CHAPTER I. — General Provisions

Section 1. — Short Title. — (3 L.P.R.A. § 291 note)

This Act is hereby denominated the “Department of Justice Organic Act.”

Section 2. — Definitions. — (3 L.P.R.A. § 291)

The words and phrases used in this Act shall have the meaning stated hereinbelow:

- (a) “Designated Attorney”. — The attorney that renders services to the Department of Justice, be it by appointment, special designation or contract pursuant to the provisions of this Act.
- (b) “Agency” or “Government Agencies”. — The departments, boards, commissions, bureaus, offices or dependencies of the Executive Branch of the Commonwealth of Puerto Rico.
- (c) “Department”. — The Department of Justice created pursuant to the provisions of Article IV, Section 6 of the Constitution of the Commonwealth of Puerto Rico. It also includes the programs and bodies integrated by virtue of this Act and those who are made a part of the Department in the future.
- (d) “Commonwealth”. — The Commonwealth of Puerto Rico.
- (e) “Prosecutor”. — The official appointed by the Governor, pursuant to the provisions of this Act, who carries out his/her functions as a member of the Public Ministry, be it in his/her capacity as General Prosecutor of Puerto Rico, General Special Prosecutor, Assistant Prosecutor III, Assistant Prosecutor II, Assistant Prosecutor I or District Attorney. It also includes the Special Prosecutors designated by the Secretary of Justice pursuant to what is established in this Act, except when expressly excluded for certain purposes.
- (f) “General Prosecutor”. — The General Prosecutor of Puerto Rico, appointed by the Governor of Puerto Rico pursuant to the provisions of this Act.
- (g) “Governor”. — The Governor of the Commonwealth of Puerto Rico.
- (h) “Office of the General Prosecutor”. — The Office of the General Prosecutor of Puerto Rico created by this Act.
- (i) “Institute”. — Institute of Competency Training and Development of the Juridical Thought Process.
- (j) “Advocate”. — The official appointed by the Governor of Puerto Rico pursuant to the provisions of this Act, who carries out his/her functions as a member of the Public Ministry, be it as a Family Advocate or as an Advocate for Minors’ Affairs. It also includes the Special Advocates designated by the Secretary of Justice pursuant to what is established in this Act, except when expressly excluded for certain purposes.
- (k) “General Solicitor”. — The General Solicitor of Puerto Rico, official appointed by the Governor of Puerto Rico pursuant to the provisions of this Act.
- (l) “Secretary”. — The Secretary of Justice appointed pursuant to the provisions of Article IV, Section 5 of the Constitution of the Commonwealth of Puerto Rico.

CHAPTER II. — Secretary of Justice; Functions and Duties

Section 3. — Secretary of Justice. — (3 L.P.R.A. § 292)

The Secretary of Justice, appointed by the Governor pursuant to the provisions of Article IV, Section 5 of the Constitution of the Commonwealth of Puerto Rico, is the Head of the Department of Justice and as such, is the chief law enforcement official of the Commonwealth and in charge of promoting compliance and enforcing the law, pursuant to the provisions of Article IV, Sections 5 and 6 of the Constitution of the Commonwealth.

Section 4. — Legal Counsel. — (3 L.P.R.A. § 292a)

The Secretary is the legal counsel of the Commonwealth, its agencies, and the People of Puerto Rico in civil, criminal, administrative and special suits and proceedings to which it is a party or which are brought before the courts or other forums in or outside of Puerto Rico. The Secretary shall exercise this representation personally or through designated attorneys, prosecutors and advocates, or through the General Solicitor.

In discharging this function, it is the duty of the Secretary to represent:

- (a) the officials or employees of the agencies of the Executive Branch who sue or are being sued in their official capacity and when they so request, as well as the officials or employees of the Legislative Branch and the Judicial Branch who sue or are being sued in said capacity;
- (b) the officials, employees, former officials or former employees of the Commonwealth who are sued for damages in their personal capacity, when the cause for action is based on alleged violations of civil rights, subject to the provisions of Act No. 104 of June 29, 1955, as amended, known as the “Act on Claims and Suits Against the Commonwealth”; and
- (c) the municipalities, when the conditions established by Act No. 81 of August 30, 1991, as amended, known as the “Autonomous Municipalities Act of the Commonwealth” and by this Act are present.

Likewise, the Secretary may, on his/her own initiative or at the request of the Governor or a head of agency, bring on his/her behalf the pertinent proceedings and actions, including:

- (a) actions to claim real and personal property of which the deed has expired due to a lack of heirs, in favor of the Commonwealth by provision of law, in which the latter has any other right or ownership;
- (b) eminent domain proceedings in representation of the Commonwealth pursuant to the provisions of the Act of March 12, 1903, as amended;
- (c) actions against persons who usurp land, rights or property belonging to the Commonwealth or who build thereon or cause damage thereto, when in his/her judgment, the interests of the Commonwealth so require;
- (d) suits concerning taxes, which shall be submitted to him/her by the Department of the Treasury;
- (e) extradition proceedings under Act No. 4 of May 24, 1960, as amended, and the transfer of federal convicts to the jurisdiction of the Commonwealth;
- (f) any other proceedings and actions provided for by law.

When delivering a judgment for any of the actions mentioned in this Section, the Secretary shall request that the mandate necessary for its due enforcement be issued.

Public corporations and instrumentalities may request the Secretary to provide legal counsel and advice services by paying the Department the necessary expenses entailed by the provision of these services. The amounts thus collected shall be covered into the Special Fund created by this Act.

The Secretary may grant dispensations to the executive agencies and departments in order for them to represent themselves individually in the judicial and administrative forums when there is just cause and in the appropriate cases.

Section 5. — Transactions or Agreements. — (3 L.P.R.A. § 292b)

When the Secretary discharges the function of legal counsel to the agencies, municipalities, and the employees, officials, former officials or former employees of the Commonwealth or of the interests of the Commonwealth or the People of Puerto Rico, no transaction, agreement or stipulation or compact whatsoever may be made in connection with the matter subject to the pending legal action without the previous consent of the Secretary or the official onto whom he/she delegates.

Section 6. — Opinions. — (3 L.P.R.A. § 292c)

The Secretary shall give his/her opinion in writing to the Governor, the Legislature or any of its Houses, the Comptroller of Puerto Rico, and the heads of agencies and public corporations, when there is a resolution from its Board of Directors authorizing the request, on questions of law that arise in the exercise of its functions. Likewise, he/she shall give his/her opinion to the mayors of the municipalities, in which case the request shall be processed through the Office of the Municipal Affairs Commissioner. In the case of municipal legislatures, a resolution of the corresponding legislature shall be required, authorizing its president to request said opinion.

The Secretary is hereby empowered to adopt the norms that shall govern the requests and issue of opinions. When the matter being brought in the request for an opinion is before the consideration of a court, the Secretary shall abstain from issuing a formal opinion on the matter, but he/she may advise the official if he/she deems it necessary in order for the official to be able to continue performing the functions imposed by law, without undermining the power that corresponds to the Judicial Power as the final interpreter of the Constitution and the laws of the Commonwealth.

Section 7. — Publication. — (3 L.P.R.A. § 292d)

The Secretary shall publish the opinions he/she issues in connection with matters of public policy and those he/she deems bear a general interest. A copy of said printed documents shall be forwarded, free of cost and for official use, to each member of the Legislature, the Comptroller of Puerto Rico and the Office of Legislative Services, the Governor and each head of agency and public corporation, the judges and the Library of the Supreme Court, the judges of the Court of Appeals, to the administering judges of the Parts of the Courts of First Instance, the Director of the Office of Court Administration, and the Mayor of each municipality, as well as all those officials, offices and institutions as determined by the Secretary. Furthermore, the Secretary shall be under the obligation to diffuse through the webpage of the Department, a list of all the opinions issued by him/her for the use of the general public.

The Secretary is hereby authorized to remit and exchange the opinions so published with the federal government and the state governments of the United States, and with foreign governments, as well as with the public or private organizations and institutions that issue publications of general interest. He/she may also sell volumes compiling his/her opinions through the norms that he/she adopts for these purposes. The proceeds of the sale shall be covered into the Special Fund created by this Act.

Section 8. — Matters of Public Policy. — (3 L.P.R.A. § 292e)

The Secretary is hereby empowered to establish through regulations the necessary guidelines to determine the matters that shall constitute public policy issues from the legal standpoint. Matters shall be considered, without it being construed as a limitation, to be public policy issues when:

- (a) a controversy in the interpretation of a law or the Constitution of the Commonwealth which affects the operation, development or stability of a government program or project is brought;
- (b) a conflict in the interpretation of a law approved by the Legislature of Puerto Rico and a law approved by the Congress of the United States of America related with the operation, development or stability of a government program or project is brought;
- (c) questions emerge as to the interpretation of norms or the action taken by an agency in relation to federal law or the Constitution of the United States of America and a law approved by the Legislature and the Constitution of the Commonwealth;
- (d) there is an allegation of a violation of constitutional rights by any action of a government agency, official or employee;
- (e) a controversy of a judicial nature between public corporations and agencies;
- (f) a request is made for the interpretation of the law or the jurisprudence in a manner such that it alters or modifies a juridical norm, the result of which may affect in a foreseeable manner the interests of a government program or project;
- (g) a judicial or administrative action has been brought against an agency or an official outside the jurisdiction of the Commonwealth; or
- (h) those other matters as determined by the Secretary and previously approved by the Governor.

In those cases or situations that constitute public policy issues, the heads of agencies, public corporations and government instrumentalities shall coordinate with the Secretary the legal strategy to be followed in order to prevent or minimize any adverse legal effects to the public interest.

Section 9. — Government Contracting of Legal Services. — (3 L.P.R.A. § 292f)

The Secretary shall adopt through regulations the guidelines necessary to govern the contracting of legal services by the agencies, instrumentalities and public corporations.

Section 10. — Legal Advice. — (3 L.P.R.A. § 292g)

The Secretary shall offer legal advice as requested by the Governor, the Legislature and the legislative committees in the consideration and processing of bills, as well as in the studies these may conduct.

Section 11. — Power to Investigate. — (3 L.P.R.A. § 292h)

The Secretary and the officials and employees onto whom he/she delegates, shall conduct the investigations as necessary and adequate for the exercise of the powers granted by this Act and are authorized to interview witnesses and take oaths and statements. Summons shall be issued by the prosecutors, advocates and designated attorneys, or by the officials or employees onto whom the Secretary delegates such a power. Likewise, they may issue summons under admonishment

of contempt and require the appearance of witnesses and the presentation of documental evidence and the evidence they may consider essential for the complete cognizance of the matter under investigation.

Section 12. — Duty to Appear. — (3 L.P.R.A. § 292i)

The person summoned as a witness in an investigation or proceeding is under the obligation to appear and testify or to present the evidence he/she is required. In said case, the person summoned shall be informed of his/her right to refuse to reveal any evidence or testimony that might incriminate him/her. In case he/she should refuse to appear, testify or present the evidence he/she has been required on the grounds that the testimony or evidence might incriminate him/her or expose him/her to a criminal, civil, administrative or other proceeding which may entail the removal or suspension from his/her job, profession or occupation, the Secretary shall determine whether the situation calls for the granting of immunity to the person summoned using the legal criteria and norms applicable to the granting of immunity.

Section 13. — Confidential Information. Disclosure. — (3 L.P.R.A. § 292j)

The information obtained as a result of an investigation is confidential and shall be kept in an investigation file, which may not be subject to inspection, examination or disclosure while the investigation is conducted. The information thus gathered may be disclosed upon completion of the investigation pursuant to the norms that the Secretary adopts through regulations, except in those cases in which the following situations arise:

- (a) a law or regulation declares the information to be confidential;
- (b) information which may harm essential rights of third parties is revealed;
- (c) the communication is protected under any of the evidence privileges that may be invoked by citizens.
- (d) the identity of a confidant is the matter in question.
- (e) it is official information pursuant to Rule of Evidence No. 31.
- (f) investigative techniques or procedures are revealed.

Section 14. — Leave. — (3 L.P.R.A. § 292k)

When an employee is summoned to appear before the Department in relation to any matter or investigation, the employer may not dock the salary or deduct from the vacation or sick leave, the hours or days he/she used to comply with the summons.

Section 15. — Per Diems and Mileage. — (3 L.P.R.A. § 292l)

The Secretary is hereby empowered to fix through regulations all matters relative to the amount and manner of payment of per diems and mileage to persons summoned by the Department in relation to any matter or investigation, when economic resources so allow and in attention to the needs of the person who so requests. Exclusion from these provisions is made as

to the public officials and employees that appear before any official or employee of the Department due to the inherent functions of their office or job.

The funds for the payment of per diems and mileage shall originate from the special fund under the administration of the Board of Seizures created by Act No. 93 of July 13, 1988, as amended, or from the Special Fund created by this Act.

Section 16. — Granting of Immunity. — (3 L.P.R.A. § 292m)

The Secretary or the official onto whom he/she delegates is the only official of the Executive Branch with the power to grant immunity to any person in the course of an investigation or proceeding when, in his/her judgment, it is necessary to best serve justice, pursuant to what is established in Act No. 27 of December 8, 1990, known as “Act for the Proceedings and Granting of Immunity to Witnesses,” except for the provisions of Act No. 2 of February 23, 1988, as amended, which creates the office of Special Independent Prosecutor. The Secretary shall establish through regulations the norms, procedure and criteria that shall be taken into consideration when granting immunity.

When a person duly summoned by an official or employee of the Commonwealth authorized by law to issue summons to appear and testify or produce evidence in an investigation or proceeding, refuses to appear, to testify or to produce the evidence on the grounds that the testimony or evidence might incriminate him/her or expose him/her to criminal, civil, administrative or other proceedings that may entail the removal or suspension from his/her job, profession or occupation, the official or employee of the Commonwealth shall notify the Secretary of said refusal in order for him/her or the official onto whom he/she delegates to determine whether the situation calls for the granting of immunity to the person summoned or to bring the pertinent action pursuant to the law.

Section 17. — Investigation of Petitions for Pardon. — (3 L.P.R.A. § 292n)

The Secretary shall investigate and report on the petitions for pardon submitted to him/her by the Governor. Courts, when so required, shall inform the Secretary as to the sentence and criminal history of the petitioner.

Section 18. — Additional Powers and Duties. — (3 L.P.R.A. § 292o)

In addition to the powers and duties conferred by this Act and by other laws and the powers and prerogatives inherent to the office, the Secretary shall have the following, without it being construed as a limitation:

- (a) Plan, direct and supervise the operation of the Department and its programs, as well as that of the personnel, the attorneys he/she designates and the officials appointed by the Governor for a fixed term who carry out functions in the Department.
- (b) Adopt rules and regulations as deemed necessary for the discharge of his/her functions and duties, which shall be promulgated pursuant to the provisions of Act No. 170 of August 12, 1988, as amended, known as the “Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico.”

- (c) Contract the professional and advisory services he/she deems necessary to meet the purposes of this Act.
- (d) Delegate onto his/her officials and employees the powers and duties he/she deems convenient or necessary, except for the power to appoint and promulgate regulations.
- (e) Enter into the agreements and compacts needed for the processing of judicial actions and to carry out the functions imposed on him/her by law.
- (f) Promote, through educational campaigns, respect for the law and foster in officials and employees of the Department attitudes directed to the protection and upholding of the rights of all citizens to be treated, at all times, with dignity and respect, specially those who collaborate with law enforcement.
- (g) Enforce compliance with the responsibilities imposed on him/her by Act No. 88 of July 9, 1986, as amended, known as the “Puerto Rico Minors Act,” within the framework of the juvenile justice system’s philosophy, which balances treatment and rehabilitation with demanding from the minor a certain degree of responsibility for his/her actions.
- (h) Provide protection and assistance to victims and witnesses and their relatives in investigation and judicial proceedings, pursuant to the public policy established in Act No. 77 of July 9, 1986, as amended, and Act No. 183 of July 29, 1998, as amended.
- (i) Investigate and process complaints presented to claim rights or benefits granted by law, pursuant to the provisions of Act No. 22 of April 22, 1988, as amended, known as the “Bill of Rights of Victims and Witnesses of Crimes.”
- (j) Be actively involved in the efforts to coordinate all components of the justice system, both at the local and the federal levels, in order to attain the greatest degree of cooperation.
- (k) Coordinate and address, by delegation of the Governor, operational and administrative matters that legally affect the operation of Executive Branch agencies.
- (l) Keep a continuous study of the development of the doctrine of the law in all its aspects and recommend to the Governor and the Legislature the legislation he/she deems necessary to achieve the best administration of justice and its institutions.
- (m) Be actively involved in organizations and associations that have the purpose of improving the administration of criminal and juvenile justice, fight crime, prevent juvenile delinquency and canalize community efforts toward crime prevention and control.
- (n) Act as a member of the boards, committees and bodies to which he/she is designated by law or by the Governor and discharge the duties assigned to him/her.
- (o) Establish orientation, training and competency programs for employees and officials of the Department and hold conferences for Prosecutors, Advocates, Property Registrars, attorneys and employees of the Department with the purpose of addressing matters relative to the better performance of the functions imposed by law.
- (p) Adopt an official stamp and logo for the Department, which shall be judicially noted.
- (q) Orient the community on those matters of general interest relative to the exercise of his/her functions.
- (r) Render a report to the Governor and the Legislature on the status of Department matters at the end of each fiscal year.
- (s) Keep a Civil Suit Registry of the Commonwealth of Puerto Rico.
- (t) Keep a Registry of Persons Convicted for Acts of Corruption.
- (u) Carry out all other actions convenient and necessary to comply with the purposes of this Act and all other responsibilities imposed on him/her by law.

Section 19. — Undersecretary of Justice. — (3 L.P.R.A. § 292p)

The Secretary shall appoint an Undersecretary of Justice, who shall be an attorney-at-law admitted into the bar by the Supreme Court of Puerto Rico, with a minimum professional experience of ten (10) years and who enjoys a good reputation. Under his/her direction, the Undersecretary shall assist him/her in his/her functions and discharge all the duties and obligations he/she assigns.

Section 20. — Attributions. — (3 L.P.R.A. § 292q)

The Undersecretary of Justice shall substitute and exercise all the attributions of the Secretary as the Acting Secretary of Justice in case of death, resignation, severance, absence or temporary disability of the Secretary, except when the Governor designates another person to discharge these functions. The Secretary shall determine, in his discretion, who among the officials of the Department shall substitute him/her when the Undersecretary of Justice is absent temporarily for any reason.

CHAPTER III. — Department of Justice

FIRST PART. — Personnel System

Section 21. — Individual Administrator. — (3 L.P.R.A. § 293)

The Department shall be an Individual Administrator pursuant to the definition thereof in Act No. 5 of October 14, 1975, as amended, known as the “Puerto Rico Public Service Personnel Act.” The Secretary shall adopt regulations to guarantee the continuity of a modern and fair personnel administration system attune with the public policy in effect regarding public service personnel.

The Secretary shall implement the personnel administration system that shall govern officials and employees of the Department. The Secretary shall make available for the components attached to the Department the services related with human resources administration as needed to implement their respective enabling acts, when it does not affect the operations of the Department.

Section 22. — Appointment of Personnel. — (3 L.P.R.A. § 293a)

The Secretary shall appoint and supervise the personnel necessary to better meet the purposes of this Act. Likewise, he/she shall fix the pay for the employees and officials he/she appoints based on the Compensation Plans in effect. Furthermore, he/she may establish supplementary methods to pay or compensate career and confidential employees, subject to the provisions in the regulations. Said regulations shall comply with what is established by Act No. 89 of July 12, 1979, as amended.

Likewise, the Secretary may establish supplementary compensation methods for prosecutors, advocates and property registrars, subject to the provisions of the regulations.

Section 23. — Designation of Attorneys to Act as Special Advocates or Prosecutors. — (3 L.P.R.A. § 293b)

The Secretary is hereby authorized to extend Special Prosecutor appointments to the attorneys of the Department, the agencies or the public corporations in those cases he/she believes it to be necessary and meritorious so that, as part of their regular functions, they are able to act in cases of violation of the laws of the Commonwealth. When these are attorneys from an agency or public corporation, the appointments shall be extended by the Secretary at the request of the head thereof without there being any additional expenditure whatsoever for the Commonwealth. Attorneys thus designated shall have the attributions of a prosecutor. Likewise, when the needs of service so require, the Secretary may extend Family Advocate appointments to attorneys of the Department so that they discharge the functions of the former. Under exceptional circumstances, he/she may also designate them as Advocate for Minors’ Affairs to discharge the functions concerning only the matters covered by Act No. 8 of July 9, 1986, as amended, known as the “Puerto Rico Minors’ Act.” Attorneys thus designated shall be subject to the regulations and norms of conduct applicable to officials of the Department.

Section 24. — Designation of Attorneys from Other Agencies. — (3 L.P.R.A. § 293c)

The Secretary may designate attorneys from other agencies, in coordination with the head of the agency, when he/she deems it to be necessary, to represent the Commonwealth in an action or proceeding, or an official or employee to assist him/her in the discharge of any other responsibility pursuant to the norms and conditions he/she may establish through regulations for these purposes. The attorney, official or employee thus designated shall carry out the task commissioned under the supervision of the corresponding official of the Department and shall be subject to the regulations and norms of conduct applicable to the attorneys of the Department. However, he/she shall maintain his/her status, condition, and vested rights as an official or employee of the agency for which he/she works.

Section 25. — Contracting and Assignment of Attorneys. — (3 L.P.R.A. § 293d)

The Secretary is hereby authorized to contract attorneys to render services at the Department pursuant to the contracting norms applicable to executive departments, as it be provided through regulations. Attorneys thus contracted may act as delegates and representatives of the Secretary in those actions, proceedings or matters that the Secretary determines.

Section 26. — Designation of Attorneys. — (3 L.P.R.A. § 293e)

The Secretary may designate attorneys appointed or contracted by the Department, when he/she deems it convenient, to render services to the agencies and public corporations in those cases they so request if by this a more expedite and specialized legal representation is attained.

The public corporations in which the attorneys so designated render services are under the obligation to provide the amount for the services to be rendered by the Secretary and all those necessary expenses incurred to process the case or matter. The amount of the payments for services rendered by the attorneys designated by the Secretary shall be covered into the Special

Fund created in the Commonwealth Treasury by virtue of this Act. The Secretary of the Treasury shall make available to the Department the amounts covered into said Special Fund so that the Secretary may make the disbursements that are in order, chargeable to said fund, pursuant to the regulations applicable.

Section 27. — Practice of the Legal and the Notary Professions, Prohibited. — (3 L.P.R.A. § 293f)

The private practice of the legal and the notary professions is incompatible with the appointment to a regular job as attorney or prosecutor of the Department. However, an attorney may practice as a notary as a part of the functions of his/her office, provided there is a written authorization of the Secretary.

Section 28. — Participation in Associations or Groups. — (3 L.P.R.A. § 293g)

The officials and employees of the Department may organize and belong to bona fide public employee groups covered under Act No. 134 of July 19, 1960, as amended, which are constituted of officials and employees of the Department only.

SECOND SECTION. — Sabbatical Leave

Section 29. — Sabbatical Leave. — (3 L.P.R.A. § 293h)

A sabbatical leave program is hereby established for prosecutors, advocates and attorneys appointed pursuant to the provisions of this Act, and for property registrars and all other personnel as determined through regulations, with the purpose of providing them with the opportunity to pursue advanced or specialized studies or to conduct research, for the period of time and at the institutions authorized by the Secretary.

Section 30. — Request. Duration. — (3 L.P.R.A. § 293i)

Eligible officials and employees who have accrued at least five (5) years of service as such, may request a sabbatical leave pursuant to the provisions of this Act and the regulations to be adopted by the Secretary for these purposes. Sabbatical leave may be granted for a maximum period of one (1) year, except when due the nature of the studies, training or research, it is determined otherwise. The eligible personnel shall make the commitment to render services to the Department for a period equal to double the duration of the sabbatical leave granted.

Section 31. — Annual Plan. Eligibility Norms. — (3 L.P.R.A. § 293j)

The Secretary shall adopt, in coordination with the Institute, an annual plan for granting sabbatical leave and establish the conditions under which said leave shall be granted through regulations. Furthermore, the Secretary shall fix in said regulations the norms to determine the eligibility of the candidates requesting the sabbatical leave, for which he/she shall take into account the following factors, among others:

- (a) There is the need for the personnel concerned to renew their knowledge, ideas, perspective and techniques through studies and research and by experiencing the criminal and civil justice administration systems of other jurisdictions.
- (b) The effect of granting the sabbatical leave on the services rendered and the availability of financial resources.
- (c) The performance and a manifest interest of remaining in the public service of the candidate requesting the leave.

Section 32. — Reports. — (3 L.P.R.A. § 293k)

The official or employee of the Department who is granted sabbatical leave shall submit the reports and furnish evidence as required by the Secretary for the duration of the leave pursuant to what is to be established through regulations. The Secretary may require him/her to collaborate in conferences and in orientation, training and competency programs sponsored by the Institute.

Within thirty (30) days following the date on which the sabbatical leave ends, the official or employee of the Department shall submit a final report to the Secretary on the work carried out during the period granted and the evidence that all the requirements of the study, training or research program have been met.

Section 33. — Benefits During Leave. — (3 L.P.R.A. § 293l)

The official or employee of the Department enjoying sabbatical leave shall earn his/her corresponding salary, subject to the deductions that are regularly in order by law, and he/she shall continue to contribute to the retirement system of which he/she is a member. The period during which he/she is enjoying sabbatical leave shall be computed for retirement purposes, and he/she shall accrue vacation and sick leave days as if he/she were in the regular service. Enjoying this leave shall not interrupt the term of appointment corresponding to the office of the official concerned.

THIRD SECTION. — Organization and Operation.

Section 34. — Internal Organization of the Department. — (3 L.P.R.A. § 293m)

The Secretary is hereby empowered to establish the internal organization and structure of the Department to better discharge the functions imposed on him/her by law, subject to the norms and guidelines that apply on the organization of the Executive Branch. In addition to those established in this Act, the following components are hereby incorporated and made an operational part of the administrative structure of the Department:

- (a) The Special Investigations Bureau created by Act No. 38 of July 13, 1978, as amended, and the programs that have been attached to it at the time of effectiveness of this Act and those that may be assigned in the future.
- (b) The Seizures Board created by Act No. 93 of July 13, 1988, as amended.
- (c) The Crime Victims Compensation Office created by Act No. 183 of July 29, 1998, as amended.

(d) The Criminal Justice Information System created by Act No. 129 of June 30, 1977, as amended.

(e) The Property Registry created by Act No. 198 of August 8, 1979, as amended.

The Secretary shall make available to the components mentioned above and to any other attached to the Department hereafter, the administrative services needed to implement their respective enabling acts when it does not affect the operation of the Department.

Section 35. — Administration, Norms, Systems, and Procedures. — (3 L.P.R.A. § 293n)

The Secretary, in the discharge of his/her functions and in the development of the administrative activity, shall have, without it being construed as a limitation, the following duties and powers:

(a) Prepare and administer the budget of the Department.

(b) Coordinate and evaluate periodically the operations of the attached programs, for which he/she shall adopt the norms, systems and procedures necessary to carry out the functions entrusted by law.

(c) Acquire or lease goods and services of any nature, sell or otherwise dispose of personal property as he/she considers necessary, without being subject to the pertinent provisions in Act No. 164 of July 23, 1974, as amended, better known as the “General Services Administration Act.” However, the precepts relative to the Exclusive Register for Bidders.

He/she shall establish through regulations the norms, criteria and procedures that shall govern the procurement of equipment, supplies, articles and non-professional services attune with the principles set forth in said Act.

The regulations adopted by the Secretary shall provide for the procurement of all goods or services of any sort made by the Department, excluding contracts for professional services, to be conducted through a formal bid or proposal soliciting procedure. However, the formal bid procedure shall not be necessary when:

(1) the purchase or acquisition does not exceed fifteen ten [sic] thousand (15,000) dollars;

(2) it is necessary to make the purchase or acquisition immediately, due to an emergency situation, which circumstances shall be recorded in writing in the purchase record;

(3) replacement parts, accessories, equipment or supplementary services are needed for equipment or services previously delivered or contracted;

(4) the purchase is made from the Government of the Commonwealth or of the United States of America, or from their agencies.

(5) prices are not subject to competition because there is but one supplying source or because they are regulated by law; or

(6) when the only supplying source is outside of Puerto Rico.

In the cases listed above, the acquisition or purchase may be made through an informal procedure or at the open market in the usual course of business. However, in all cases, it shall be justified in writing and approved by the Secretary or the person onto whom he/she delegates.

(d) Use electronic and computer support, means and applications in his/her administrative functions. The Secretary shall adopt the technical and organizational measures needed to ensure the authenticity, integrity, availability, confidentiality and conservation of information.

Section 36. — Leasing. — (3 L.P.R.A. § 293o)

The Secretary is hereby authorized to charge and collect for the use or to lease the administration and operation of the parking facilities property of or occupied by the Department outside of working hours. This determination shall be made with the purpose of covering operation and maintenance expenses of facilities and providing the community in which the Department is located with parking alternatives outside working hours. The amounts thus collected shall be covered into the Special Fund created by this Act.

Section 37. — Charge of Fees and Payment of Costs. — (3 L.P.R.A. § 293p)

The Secretary is hereby authorized to charge and collect the corresponding fees for copies of records whose surrender is ordered by the court, as well as of the opinions and of any other document issued to the general public, in order to recover the expenses incurred for the information search, preparation and reproduction. The copies of the original documents stored by or in electronic or computerized means or support systems shall have the same validity and effectiveness as the original document, provided its authenticity, integrity and conservation is guaranteed.

The Secretary shall fix the fees and establish the procedure to request these services through regulations, as well as the as well as the safety measures when electronic and computerized media are used. The moneys thus collected shall be covered into the Special Fund created by this Act.

Likewise, to be covered into the Special Fund created by this Act shall be the amounts paid to the Commonwealth to defray costs and attorney’s fees, pursuant to what is established by Civil Procedure Rule No. 44 for the General Court of Justice.

Section 38. — Publications. — (3 L.P.R.A. § 293q)

The Secretary may print, publish and use electronic and computerized equipment, media and applications to diffuse informational material related to the functions of the Department when in his judgment it is necessary to disclose for the knowledge of the general public or to foster public interest. Publications may be sold for the cost of reproduction and preparation, and the proceeds of these sales shall be covered into the Special Fund created by this Act.

Section 39. — Exemption from Payment of Fees. — (3 L.P.R.A. § 293r)

Proceedings in which, by authorization of law, prosecutors, advocates or attorneys designated by the Secretary act as legal counsel for one party shall be processed free from payment of fees.

Section 40. — Special Fund. — (3 L.P.R.A. § 293s)

A Special Fund is hereby created in the Treasury of Puerto Rico, into which the resources authorized by this Act shall be covered. The Secretary shall use the resources of this Fund for the ends authorized by this Act and for the following purposes, subject to applicable conditions and restrictions:

- (a) To print, reproduce and distribute reports, opinions, studies and other documents;

- (b) To establish and modernize the automated systems used to carry out the works of the Department, and to acquire, lease, install, adapt, maintain or repair said equipment;
- (c) For the training of employees and officials of the Department, and to contract experts and technical consultants;
- (d) To defray the expenses involved in taking depositions and any other expense incidental to processing judicial or administrative actions;
- (e) For the payment of differentials in the salaries of attorneys and all other employees of the Department, in order to propitiate their retention in the service, provided there are resources available and circumstances which so justify prevail;
- (f) To grant annual bonuses to the attorneys and all other employees of the Department in recognition of extraordinary services rendered and pursuant to applicable norms;
- (g) For the contracting or appointment for a fixed term of attorneys and other necessary support personnel;
- (h) To acquire, maintain and replace equipment and property and to purchase supplies;
- (i) For the maintenance, safety, surveillance and beautification of facilities and parking lots belonging to the Department or the Commonwealth, the operation of which is delegated onto the Department;
- (j) To increase the budget of the Legal Services Institutions Contribution Program, in order to guarantee adequate legal representation for indigents; and
- (k) For all those purposes which aim to improve and expedite the procedures of the Department.

Accounting shall be kept of the resources covered into the Special Fund in the books of the Secretary of the Treasury separate from any other funds from other sources received by the Department in order to facilitate their identification and use.

The remainder of the Special Fund that as of June 30 of each year is not used for the purposes contemplated in this Act shall be kept in said Special Fund, as well as the interest it yields, for the exclusive use of the Department and pursuant to the provisions of this Act.

FOURTH PART. — Legal Library

Section 41. — Legal Library. — (3 L.P.R.A. § 293t)

The Department shall have a Legal Library that shall have the bibliographical resources necessary to constitute a consultation and reference source for officials, attorneys and the personnel of the Department, all other government agencies, members of the legal profession and the general community. The Secretary shall appoint a Director, who shall be in charge of the administration, supervision of personnel, organization and development of collections. The Director shall appoint, with the approval of the Secretary, the personnel necessary for the best operation of the departments and areas of the Legal Library.

Section 42. — Functions and Duties of the Director. — (3 L.P.R.A. § 293u)

The Director of the Legal Library is hereby designated as the Official in Charge of Property for all pertinent legal and regulatory purposes. In such a capacity, he/she is responsible for the custody of the property of the Legal Library and for maintaining a registry thereof. Furthermore,

he/she shall have the responsibility to submit an annual inventory and the reports he/she is required by law, regulations or the Secretary.

The Director of the Legal Library shall adopt through regulations, approved by the Secretary, the procedures relative to the property under his/her custody, such as acquisition, disposal or forfeiture and donation, among others, and on any other matter for which regulations are considered to be in order.

FIFTH PART. — Office of the General Prosecutor of Puerto Rico

Section 43. — Creation. — (3 L.P.R.A. § 293v)

The Office of the General Prosecutor of Puerto Rico is hereby created in the Department with the responsibility to investigate and prosecute all criminal cases in the jurisdiction of the Commonwealth and the civil or administrative matters as necessary to impose liability on the subject under investigation or criminal prosecution. He/she shall also bring the pertinent actions for the restitution of funds and property obtained as the result of the commission of crimes relative to government corruption, organized crime and controlled substances or any other criminal activity.

The Office of the General Prosecutor shall have the professional and support personnel necessary to discharge its functions. Its main location shall be at the central offices of the Department.

Section 44. — The General Prosecutor of Puerto Rico. — (3 L.P.R.A. § 293w)

The position of the General Prosecutor of Puerto Rico is hereby created, to be the highest ranking official in the criminal investigation and prosecution after the Secretary and to be appointed by the Governor with the advice and consent of the Senate for a term of twelve (12) years, after which, if not renominated, he/she shall cease in his/her functions ninety (90) days after his/her term has expired or when his/her successor takes office, whichever occurs first. The person appointed to take this position shall be an attorney admitted into the practice of the profession by the Supreme Court of Puerto Rico, of proven moral standing, recognized capability and a minimum of a ten (10)-year experience in the legal profession, of which at least five (5) years shall be in the field of Criminal Law or criminal litigation.

The General Prosecutor shall earn a salary equal to that of the General Solicitor. However, the Governor may grant a salary differential as provided for in Act No. 13 of June 24, 1989, as amended. During his/her tenure, he/she may not practice the legal or notary professions.

Section 45. — Functions and Duties. — (3 L.P.R.A. § 293x)

The General Prosecutor shall direct the Office created by this Act and shall be responsible for supervising District Attorney Offices and all specialized divisions, work units and programs under his/her direction, as provided for in this Act, as well as those commissioned by the Secretary. The General Prosecutor shall designate a General Deputy Prosecutor in consultation with the Secretary from among the Prosecuting Attorneys appointed by the Governor and confirmed by the Senate of Puerto Rico, to assist him/her in his/her functions.

In addition to the duties assigned by the Secretary or imposed by law, he/she shall discharge the following duties, without it being construed as a limitation:

- (a) Appear before any court or administrative body personally or through the officials under his/her supervision, in relation to any matter under investigation.
- (b) Supervise the work of prosecutors and his/her support personnel, collaborate with prosecutors in the discharge of their responsibilities and ascertain that each prosecutor at the prosecutor's offices, divisions or programs has a reasonable and equitable workload.
- (c) Supervise, in coordination with the Secretary, the operation and implementation of the programs established or to be established in the future to offer protection and assistance to crime victims and witnesses. Collaborate and coordinate the resources made available to him/her by the Secretary or any government or private agency or entity, in order to guarantee and protect the safety and the rights of crime victims and witnesses.
- (d) Implement, impart and transmit to the personnel under his/her supervision the public policy established by the Governor and the Secretary on criminal justice and see to the compliance therewith.
- (e) Develop a system to assess the efficiency of the investigation and prosecution of the matters handled by the Office and render to the Secretary, who shall in turn render to the Governor, an annual report on the works carried out, on which he/she shall specify the actions that should be taken to improve the system.
- (f) Develop work and coordination plans with the Courts of Justice, the Puerto Rico Bar Association and the Legal Assistance Society so that criminal cases are handled in the most expeditious and efficient manner possible.
- (g) Coordinate with the Puerto Rico Police, the Municipal Police and the Special Investigation Bureau the assignment of law enforcement officers as necessary to strengthen investigative and security resources in the investigation and prosecution of cases.
- (h) Formulate recommendations for the Secretary, who shall in turn make recommendations to the Governor and the corresponding agencies, on decisions concerning the custody of detained and sentenced persons before granting any privileges, such as a pardon, commuting of sentence, parole, and participation in community programs, in order to establish a more rational balance between the rehabilitation of the person, public safety and the protection of crime victims and witnesses.
- (i) Design, in coordination with the Institute, a permanent training program for prosecutors and the professional and technical support personnel that works with them as part of their work team.
- (j) Participate in the procedure to recruit and evaluate objectively the candidates to appointment and renomination of prosecutors.
- (k) Advise the Secretary in the making of public policy on the function of the Public Ministry in relation to the criminal investigation and prosecution and formulate recommendations on the modifications that should be introduced to our body of laws to improve the criminal justice administration system.
- (l) Recommend and refer promptly to the Office of the General Solicitor the matters and cases that deserve to be reviewed by appellate forums in Puerto Rico or in another corresponding jurisdiction.
- (m) Promote the best relations between the members of the Public Ministry and the community to which they are assigned, including public and private schools, with the purpose of preventing crime and juvenile delinquency by cultivating a full understanding of the legal system and the

body of laws so that this may be an incentive or stimulus for the most efficient collaboration of citizens with the investigative works and the prosecution of crimes.

(n) Recommend to the Secretary the norms and administrative orders that should be adopted for the best operation of the Office.

(o) Exercise all the powers and faculties inherent to his/her position and necessary to attain the best discharge of his/her functions.

Section 46. — Organization of the Office. — (3 L.P.R.A. § 293y)

The Office of the General Prosecutor shall have as many district attorney’s offices as there are judicial regions in the General Court of Justice of Puerto Rico.

The General Prosecutor, in coordination with the Secretary, shall determine the internal structure and organization of his/her Office and with the approval of the Secretary he/she shall designate the directors of the specialized units and divisions. He/she shall also evaluate and recommend to the Secretary, when deemed pertinent, the creation, organization and structure of the divisions and units necessary to investigate, handle and prosecute cases.

The Secretary, on his/her own initiative or at the request of the General Prosecutor, may divide, suppress or consolidate these divisions or units and create others, in order to comply with the purposes of this Act.

Section 47. — Personnel and Resources. — (3 L.P.R.A. § 293z)

The General Prosecutor shall procure the assignment of the resources, personnel, equipment and vehicles necessary for prosecutors and their support personnel to be able to carry out the tasks they have been commissioned.

He/she shall implement the administrative norms in effect in the Department, as well as the special norms and guidelines relative to essential aspects of the ministerial, professional and support work involved in criminal investigation and prosecution and he/she shall see to the faithful compliance of the norms of ethical conduct of officials and employees assigned to his/her Office.

The support personnel assigned and recruited to work at the main Office, the prosecutors’ offices, specialized units, and programs attached to his/her Office may be only transferred or assigned to other dependencies of the Department with the approval of the General Prosecutor or the authorization of the Secretary.

SIXTH PART. — Office of Comptroller Affairs

Section 48. — Creation; Director. — (3 L.P.R.A. § 294)

The Office of Comptroller Affairs is hereby created in the Department, to operate under the general supervision of the Secretary and the immediate direction of a Director designated by the Secretary.

The Director shall be a prosecutor or an attorney with a designation as a special prosecutor with a minimum six (6)-year experience in the practice of the legal profession, preferably in the field of Criminal Law or criminal litigation. The Secretary shall appoint prosecutors and

attorneys designated as special prosecutors, who shall have all the attributions and powers of a prosecutor, to render services in this Office.

Section 49. — Functions. — (3 L.P.R.A. § 294a)

The Office of Comptroller Affairs shall have the following functions:

(a) Bring and prosecute, by delegation of the Secretary and in representation of the Commonwealth, the criminal actions arising from or corresponding to audits of the Comptroller of Puerto Rico in connection with income, accounts, disbursements and property of the Commonwealth, its agencies, instrumentalities, public corporations and municipalities, against persons not covered by the provisions of Act No. 2 of February 23, 1988, as amended, known as the “Special Independent Prosecutor Act,” pursuant to the laws and the Constitution of the Commonwealth.

(b) Provide to the Comptroller of Puerto Rico the necessary collaboration during investigative processes conducted by him/her, without the need for said official to render a final report and refer the case to the Office of Comptroller Affairs.

(c) Evaluate, investigate and recommend to the Secretary the course of action to be followed on matters referred by the Comptroller of Puerto Rico to the Department, relative to the commission of crimes against public property and funds, as well as against public office as typified in the Criminal Code of the Commonwealth and in special laws.

(d) Carry out any other task or bring the actions that the Secretary determines in relation to the results of the audits of the Comptroller of Puerto Rico concerning income, accounts, disbursements and property of the Commonwealth, its agencies, instrumentalities, public corporations and municipalities, pursuant to the laws and the Constitution of the Commonwealth.

Section 50. — Complaints or Charges Before the Commission to Ventilate Municipal Complaints. — (3 L.P.R.A. § 294b)

The Secretary or the official onto whom he/she delegates, in representation of the Governor, shall formulate before the Commission to Ventilate Municipal Complaints created by Act No. 81 of August 30, 1991, as amended, any complaint or charge against a mayor resulting from an investigation conducted by the Office of Comptroller Affairs and the Office of the General Prosecutor, without undermining the power to bring any other kind of action before the courts or any other forum.

SEVENTH PART. Office of Minors’ and Family Affairs

Section 51. — Creation. — (3 L.P.R.A. § 294c)

The Office of Minors’ and Family Affairs is hereby created in the Department, with the responsibility of implementing the public policy established in Act No. 88 of July 9, 1986, as amended, known as the “Minors’ Act of Puerto Rico”; represent the interests of minors in judicial proceedings relative to the protection of minors; and handle civil matters relative to the institution of the family.

The Office shall be constituted by Advocates for Minors’ Affairs and Family Advocates, who shall discharge the functions imposed on them by law, and the necessary personnel appointed by the Secretary to carry out the purposes of this Act.

Section 52. — Director. — (3 L.P.R.A. § 294d)

The Office of Minors’ and Family Affairs shall be under the direction of an advocate or the official of the Department that the Secretary designates, who shall be a person of proven moral standing and an attorney admitted into the practice of the legal profession by the Supreme Court of Puerto Rico, with not less than six (6)-year experience in investigations and the practice of the legal profession. The advocate or the official appointed as Director shall maintain all the rights and privileges of his/her position for the term of his/her appointment as such.

Section 53. — Functions. — (3 L.P.R.A. § 294e)

The Director of the Office of Minors’ and Family Affairs shall have, among others, the following functions:

- (a) Supervise the work of advocates and attorneys assigned to the Office and establish an efficient coordination between these officials and all other offices and programs of the Department to facilitate the discharge of their respective responsibilities and functions.
- (b) Establish the necessary coordination with other agencies and government bodies to fulfill the functions imposed by law.
- (c) See over the investigation and prosecution at the courts and the competent forums the pertinent actions pursuant to the laws he/she administers.
- (d) Implement the administrative norms issued by the Secretary and see to the faithful compliance therewith.
- (e) Advise the Secretary in matters of legislation and in the making of public policy in the areas of family relations and minors and conduct studies and research on the matter.
- (f) Establish, in coordination with the Institute, continuing educational programs, such as seminars and conferences, with the purpose of broadening the knowledge and keeping the personnel informed on the development and the new legal trends in the areas of family relations and minors.
- (g) Develop and coordinate with private agencies and institutions activities addressed to the prevention and control of delinquency and family violence.
- (h) Render reports as required by the Secretary and compile and evaluate data and statistics relative to cases and matters under his/her jurisdiction and to the works carried out by the Office.
- (i) Recommend and refer promptly to the Office of the General Solicitor the matters and cases that deserve to be reviewed by the appellate courts or the pertinent forum.
- (j) Represent the Secretary in all acts as he/she delegates and discharge any other function he/she assigns.

EIGHTH PART. — Office of General Lawsuits

Section 54. — Creation. — (3 L.P.R.A. § 294f)

The Office of General Lawsuits is hereby created in the Department, to be under the direction of an Assistant Secretary of Justice appointed by the Secretary. The person appointed to hold this position shall be an attorney admitted into the practice of the legal profession by the Supreme Court of Puerto Rico with not less than six (6)-year experience in the practice of the legal profession, and to the extent possible, with broad experience in litigation.

Section 55.—Functions.—(3 L.P.R.A. § 294g)

The Assistant Secretary in charge of Lawsuits shall have, among others, the following functions:

- (a) Provide legal representation to the Commonwealth and its officials in any civil or administrative proceeding pursuant to the provisions of this Act before local or federal courts of first instance, in or outside the jurisdiction of Puerto Rico, before the corresponding administrative forums or before any other forum as provided by the Secretary.
- (b) Establish the coordination necessary between all divisions and programs under his/her supervision and all other components of the Department and government agencies to discharge his/her functions efficiently.
- (c) Prepare and keep a register of the suits and actions against the Commonwealth, its employees and former officials, in which he/she assumes legal representation pursuant to the provisions of law, which shall include, along with other information, the amount of the sentences fixed by the court, as provided by Act No. 1 of January 1, 2003, known as the “Commonwealth of Puerto Rico Civil Suits Registry Act.”
- (d) Recommend and refer promptly to the Office of the General Solicitor the matters and cases that deserve to be reviewed by appellate courts or the corresponding forum.

NINTH PART. — Office of Anti-Trust Affairs

Section 56. — Creation. — (3 L.P.R.A. § 294h)

The Office of Anti-Trust Affairs is hereby created in the Department, with the responsibility of implementing the public policy established in Act No. 77 of June 25, 1964, as amended, which prohibits monopolistic practices, and discharging the functions imposed on it by law. The Office shall operate under the general supervision of the Secretary, but its immediate direction shall be the responsibility of an Assistant Secretary of Justice appointed by the Secretary. The Secretary may designate the Assistant Secretary and the attorneys attached to the Office as special prosecutors. Officials thus designated shall have the powers and attributions of a prosecutor and may act as such before the Parts of the Courts of First Instance or at the pertinent forum, in criminal or civil cases they bring by virtue of the provisions of Act No. 77 of June 25, 1964, as amended.

Section 57. — Powers and Duties. — (3 L.P.R.A. § 294i)

The Office of Anti-Trust Affairs, in addition to the powers and faculties conferred thereon by this Act and by other laws, shall have, without it being construed as a limitation, the following:

(a) Compile and order information on competitive practices in Puerto Rico’s market and on its relation with the markets of the United States of America and abroad, in order to determine which practices constitute restraints to free trade and lead to the undue concentration of financial power, for which it may require any person to surrender the statements deemed necessary for that purpose.

(b) Conduct the necessary investigations and take the corresponding action to ensure compliance with its own orders and those of the courts of justice.

(c) Investigate and make recommendations to the Secretary in those cases in which a corporation is incurring abuse of its corporate powers, pursuant with what is prescribed in Act No. 144 of August 10, 1995, known as the “General Corporate Act.”

(d) Keep the public informed on its activities to enforce the law and foster in commerce a voluntary obedience of its provisions and objectives. For such purposes, it shall foster the holding of industrial and commercial conferences and the adoption of trade norms that promote free competition fairly.

(e) Promulgate, with the approval of the Secretary and the Special Board created by Act No. 77 of June 25, 1964, as amended, the rules and regulations necessary for the enforcement of said Act and to exercise of its powers or to discharge its duties. The rules and regulations thus approved shall have force of law upon compliance with the provisions of Act No. 170 of August 12, 1988, as amended, known as the “Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico.”

(f) Represent the Commonwealth, on behalf of the Secretary, in judicial, criminal or civil actions, at first instance or appellate

circuits, and in those proceedings before federal administrative or judicial authorities in which the Commonwealth has an interest and are related to maintaining free competition.

(g) Carry out all other tasks assigned by the Secretary in order to enforce Act No. 77 of June 25, 1964, as amended, and render the reports required by him/her.

TENTH SECTION. — Office of the General Solicitor of Puerto Rico

Section 58. — The General Solicitor of Puerto Rico. — (3 L.P.R.A. § 294j)

The position of General Solicitor of Puerto Rico is hereby created, to be appointed by the Governor with the advice and consent of the Senate and to serve at the discretion of the Governor. The person appointed to hold this position shall be an attorney admitted into the practice of the legal profession by the Supreme Court of Puerto Rico, with not less than six (6) years of professional experience, of proven moral standing and renowned capability. The General Solicitor shall earn a salary equal to that of a Judge of the Court of Appeals.

Section 59. — Office of the General Solicitor. — (3 L.P.R.A. § 294k)

The Office of the General Solicitor is hereby created in the Department, to be constituted by Assistant General Solicitors and the necessary personnel to be appointed by the Secretary to carry out the purposes of this Act. The General Solicitor may appoint, with the approval of the Secretary, up to two (2) Deputy General Solicitors, depending on the demands of service, who shall serve as Acting General Solicitors in the manner provided by the General Solicitor in case of death, resignation, severance, temporary absence or disability.

The Secretary may designate attorneys of the Department to render pro tempore services at the Office as Assistant General Solicitors. The General Solicitor may create the internal supervision and coordination subdivisions he/she deems necessary to carry out the functions and the work inherent to the Office of the General Solicitor.

The General Solicitor, the Deputy General Solicitor and the Assistant General Solicitors shall have the attributions and powers of a prosecutor and may not practice the legal or notary profession while holding said positions.

Section 60. — Representation in Appellate Forums. — (3 L.P.R.A. § 294l)

(a) The General Solicitor shall represent the Commonwealth in all civil and criminal matters to which it is a party or in which it has an interest, that are being processed in appellate forums or otherwise before the appellate courts of Puerto Rico, the United States, or any federated state, territory or possession of the United States of America, except in cases in which the Secretary determines otherwise.

(b) The General Solicitor shall also represent before any appellate court the parties or interests represented by the Department at first instance and appear before any appellate court to follow up on other cases being processed at first instance by the Department or by external legal representation, except in cases in which the Secretary determines otherwise and subject to the exceptions that may be established by law.

(c) Likewise, at the request of a municipality, the General Solicitor shall render services in appeals, in appropriate cases and when the Secretary deems it convenient. The municipality shall pay the Department the cost of said legal representation, which moneys shall be covered into the Special Fund created by virtue of this Act.

(d) In those cases in which the Commonwealth and a party or interest represented by the Department concur as parties at first instance, the General Solicitor may opt to represent simultaneously, before the corresponding appellate forum, both the Commonwealth and the party or interest represented by the Department at first instance; represent only the party or interest represented by the Department at first instance; or represent the Commonwealth only. In this last case, the approval of the Secretary shall be necessary.

Section 61. — Assistance in Cases at First Instance. — (3 L.P.R.A. § 294m)

In the cases that the Secretary determines, the General Solicitor shall provide the technical support and the assistance necessary for the effective processing of cases at first instance, at the local judicial forums and at the Commonwealth and federal forums, provided this is justified when taking into account the nature of each case.

Section 62. — Investigations and Proceedings Before the Supreme Court. — (3 L.P.R.A. § 294n)

The General Solicitor shall conduct the investigations the Supreme Court of Puerto Rico and the Secretary request concerning complaints and disciplinary procedures against attorneys and notaries. In addition, he/she shall bring and conduct before said Court all proceedings he/she is ordered to bring or conduct by the Supreme Court in professional conduct cases against attorneys and notaries. The General Solicitor shall not conduct investigations or intervene in complaints about conduct incurred by an attorney while he/she is a judge, unless by the time the complaint is presented the attorney is no longer a judge. He/she shall not intervene either in relation to the conduct of an attorney that, at the time the complaint is presented, is a judge, regardless of when the conduct to be investigated has been incurred.

ELEVENTH PART. — Office of Internal Auditing

Section 63. — Creation. — (3 L.P.R.A. § 294o)

The Office of Internal Auditing is hereby created in the Department, to be under the direction of an Internal Auditor appointed by the Secretary, who shall be a person of proven moral standing and is experienced and knowledgeable in government accounting and auditing principles. The Internal Auditor shall answer directly to the Secretary.

Section 64. — Functions and Duties. — (3 L.P.R.A. § 294p)

The Office of Internal Auditing shall have, among others, the following functions and duties:

- (a) Conduct audits at the different administrative units, offices and programs of the Department, with the purpose of determining whether the financial transactions and operations, budgets, books, contracts, accounts and disbursements are being conducted pursuant to the law and the applicable regulations.
- (b) Render reports on the results of the audits conducted and formulate for the Secretary the pertinent recommendations to ensure that public funds are to be used pursuant to the provisions of law, in the most efficient manner and obtaining the best yield and utility.
- (c) Advise the Secretary and the directors of administrative units in matters of fiscal and operational procedures, internal controls and compliance with laws and regulations in general.
- (d) Follow up on the recommendations formulated by the Office of the Comptroller of Puerto Rico, external auditors, and the Office itself in relation to the fiscal operations of the Department, and advise the unit directors on the pertinent actions that should be implemented pursuant to said recommendations.
- (e) See to the Department’s compliance with the provisions of federal laws relative to the use of public funds.
- (f) Conduct the special investigations referred by the Secretary and render the reports he/she requests.
- (g) Oversee the acquisition, use and disposal of the property of the Department with the purpose of ascertaining that said procedures are being carried out pursuant to the applicable laws and regulations.

- (h) Evaluate periodically the computerized accounting systems and compliance with the internal control to be established to determine its efficiency and to ensure the protection of the assets of the Department against loss, fraud or inefficient use or disposal.
- (i) Adopt the specific norms and procedures that shall govern the processing of the audits and investigations to be conducted, with the previous approval of the Secretary.
- (j) Carry out any other similar function established by law or assigned by the Secretary.

CHAPTER IV. — Prosecutors and Advocates

FIRST PART. — Appointment

Section 65. — Appointment. — (3 L.P.R.A. § 294q)

The Governor shall appoint, with the advice and consent of the Senate, Special General Prosecutors, District Attorneys, Assistant Prosecutors III, Assistant Prosecutors II, Assistant Prosecutors I, Family Advocates, and Advocates for Minors’ Affairs.

Section 66. — Term of Office. — (3 L.P.R.A. § 294r)

Special General Prosecutors, District Attorneys, Assistant Prosecutors III, Assistant Prosecutors II, Assistant Prosecutors I, Family Advocates, and Advocates for Minors’ Affairs shall be appointed for a term of twelve (12) years; if after the term has expired they have not been renominated, they shall cease in their functions ninety (90) days after the term has expired or when their successor takes office, whichever occurs first.

When the prosecutor or advocate is renominated and confirmed, the term of the new appointment shall begin to transpire as of the date the previous appointment expired. If the renomination or original nomination is rejected by the Senate, the prosecutor or advocate shall cease in his/her functions immediately after the action of the Senate.

Section 67. — Requirements. — (3 L.P.R.A. § 294s)

The person appointed to hold a position as a prosecutor or advocate must be an attorney admitted into the practice of the profession by the Supreme Court of Puerto Rico and enjoy good moral, intellectual and professional standing as determined by the nominating authority.

Special General Prosecutors, District Attorneys and Assistant Prosecutors III shall also have at least six (6) years of professional experience, and Assistant Prosecutors II, four (4) years of professional experience. Assistant Prosecutors I shall have one (1) year of professional experience.

The Advocates for Minor’s Affairs and Advocates for Family Affairs shall have four (4) years of professional experience.

Section 68. — Oath and Credentials. — (3 L.P.R.A. § 294t)

Prosecutors and advocates shall, before taking office, take an oath of fidelity to the efficient discharge of their duties upon issue of the corresponding credentials by the Governor pursuant to the provisions of the Puerto Rico Political Code.

Section 69. — Assignment of Tasks. — (3 L.P.R.A. § 294u)

Civil, criminal and special proceedings shall be brought by the corresponding prosecutor or advocate pursuant to the general directives from their supervisors and the tasks they have been assigned. In any case, these officials shall cooperate with the Courts of First Instance of Puerto Rico to expedite the processing of these matters.

The Secretary or, by delegation, the General Prosecutor or the Director of the Office of Minors’ and Family Affairs, as the case may be, shall designate the parts and sections of the courts of justice in which prosecutors and advocates shall serve.

Section 70. — Practice of the Legal and Notary Professions, Prohibited. — (3 L.P.R.A. § 294v)

Prosecutors and advocates are hereby prohibited to engage in the private practice of the legal and notary professions while they hold their respective positions.

Section 71. — Supervision. Periodical Evaluation. — (3 L.P.R.A. § 294w)

Prosecutors and advocates shall be under the administrative supervision of the Secretary and the direct and operational supervision of the General Supervision and the Director of the Office of Minors’ and Family Affairs, respectively, in all matters corresponding to the discharge of their offices and shall submit the reports and render the services they require. The General Prosecutor and the Director of the Office of Minors’ and Family Affairs, if that is the case, shall answer to the Secretary for the discharge and faithful compliance of the duties and responsibilities of prosecutors and advocates.

The Secretary shall establish a system to evaluate periodically the work of prosecutors and advocates. For these purposes, he/she shall adopt regulations to govern their conduct, which shall establish the norms that these officials shall observe and the corrective and disciplinary measures to be taken in cases of improper conduct or aggravated infractions, subject to the provisions of this Act.

SECOND PART. — Functions and Duties

Section 72. — Prosecutors and Advocates. General Duties and Functions. — (3 L.P.R.A. § 294x)

Prosecutors and advocates have the duty to bring the criminal, civil and special actions comprised within the scope of their respective obligations and to fully discharge the duties

conferred by law and assigned by the Secretary. In the exercise of their functions, prosecutors and advocates shall have the following general responsibilities:

- (a) Process the matters they are assigned responsibly, sensitively and diligently, with a theoretical and practical command of the law and the elements of criminal investigation, as well as render the reports they are required to meet the purposes of this Act and other applicable laws.
- (b) Plan and organize the matters they are assigned and establish priorities pursuant to the norms of the public and administrative policy of the Department, in order for justice to be served speedily without impairing the rights of those intervened.
- (c) Observe in the course of their professional conduct the applicable ethical, public policy and administrative norms, abstaining at all times from carrying out private activities that might affect the discharge of their duties and the prestige of their ministerial office.
- (d) Discharge their ministerial office with integrity and capability and issue an informed judgment in all situations maintaining always their commitment with truth and justice.
- (e) Maintain the confidentiality of the matters they handle and investigate in order to protect the integrity of the procedures and the identity of the persons subject to investigation.

Section 73. — Prosecutors. Special Duties and Functions. — (3 L.P.R.A. § 294y)

Prosecutors assigned to the criminal division have the duty of investigating and prosecuting all those persons accused of offenses which they may try under the authority of the Commonwealth and on behalf of the People of Puerto Rico, except in those cases when Act No. 2 of February 23, 1988, as amended, known as “Independent Special Prosecutor Act,” applies.

In the case of prosecutors assigned to the civil division, their duty is to appear before the judicial and administrative forums of the Commonwealth and before the United States District Court for the District of Puerto Rico when necessary to litigate civil and administrative cases in representation of the legitimate interests of the Commonwealth and its agencies, instrumentalities and officials.

Section 74. — General Special Prosecutors. Special Duties and Functions. — (3 L.P.R.A. § 294z)

General Special Prosecutors shall have the following duties, powers, obligations and authority in addition to those that the law confers onto District Attorneys, whether they are taking upon themselves the representation of the People of Puerto Rico, cooperating with any District Attorney in the discharge of his/her functions or replacing him/her in his/her office:

- (a) Supervise and direct the divisions and units specialized in the criminal field or in any other field of the Department that the Secretary determines.
- (b) Investigate criminal, civil and administrative matters that the Secretary or the General Prosecutors assigns and represent these officials before government agencies in hearing any cause.
- (c) Act as a representative of the People of Puerto Rico in any criminal or civil case at the Court of First Instance.

The central office of the Department shall be the seat of General Special Prosecutors.

Section 75. — District Attorney. Special Duties and Functions. — (3 L.P.R.A. § 295)

District Attorneys are the highest — ranking officials at the office of the prosecutor and have the following duties and responsibilities:

- (a) Supervise the personnel assigned to the office of the prosecutor.
- (b) Assign the corresponding cases and investigations among the prosecutors under their supervision.
- (c) See that the matters proper to the office of the prosecutor are handled efficiently and expeditiously.
- (d) Recommend to the General Prosecutor and the Secretary any movement in the assigned personnel as deemed appropriate, as well as request additional resources as deemed necessary for the best performance of the office of the prosecutor.
- (e) Discharge the regular functions and duties of the office of the prosecutor and any other task or assignment entrusted by the General Prosecutor or the Secretary.

Section 76. — Family Advocate. Special Duties and Functions. — (3 L.P.R.A. § 295a)

Family Advocates shall act as the legal counsel for the claimant in the following matters:

- (a) in proceedings concerning judicial authorizations, declarations of heirs and judicial administration when the amount of the property subject to proceedings does not exceed one thousand (1,000) dollars;
- (b) in proceedings concerning emancipations, filiation, adoption, determination of disability and guardianship in relation to which there is no property whatsoever involved, or if there is, the amount of such a property does not exceed one thousand (1,000) dollars;
- (c) in proceedings concerning dispensations from familial relations;
- (d) in habeas corpus proceedings in which the unlawful detention does not arise from any criminal proceeding whatsoever;
- (e) in incidences of contempt of court orders or sentences in relation to the proceedings indicated in this Section.
- (f) in criminal or civil proceedings concerning claims or failure to comply with support obligations.
- (g) of the claimant in criminal or civil proceedings concerning the abandonment of minors before the Court of First Instance of Puerto Rico that, in the judgment of the District Attorney, merit their intervention; or
- (h) in any other matter that the Secretary assigns as part of the public policy on family matters.

Section 77. — Eligibility of the Petitioner. — (3 L.P.R.A. § 295b)

Family Advocates shall comply with the provisions of this Act, at the request of an interested party, after having verified through sworn statement or any other means indicated by the court, that the petitioner lacks the resources necessary to contract the services of an attorney pursuant to the eligibility norms that the Secretary establishes through regulations.

Section 78. — Actions on Child Abuse. — (3 L.P.R.A. § 295c)

Family Advocates shall bring, in representation of the Commonwealth, the pertinent actions ensuing from investigations conducted on alleged child abuse pursuant to the effective legislation on that matter.

Section 79. — Powers. — (3 L.P.R.A. § 295d)

Family Advocates have the powers and attributions proper to a prosecutor, but they shall exercise them only in relation to actions that they handle in cases concerning family matters pursuant to the terms of this Act. When the Secretary so determines, they may exercise the functions and handle any other matter he/she deems appropriate pursuant to the needs of the service.

Section 80. — Advocates for Minors’ Affairs, Special Functions and Powers. — (3 L.P.R.A. § 295e)

Advocates for Minors’ Affairs shall handle exclusively all matters covered by Act No. 88 of July 9, 1986, as amended, known as the “Puerto Rico Minors’ Act,” as well as any other matter as determined by the Secretary, in order to comply with the public policy on juvenile delinquency and to attain the purposes of this Act.

THIRD PART. — Positions, Salaries and Benefits

Section 81. — Prosecutor and Advocate Positions. — (3 L.P.R.A. § 295f)

Thirteen (13) General Special Prosecutor positions are hereby created, as well as thirteen (13) District Attorney positions, thirteen (13) Assistant Prosecutor III positions, one hundred and thirty (130) Assistant Prosecutor II positions, one hundred and seven (107) Assistant Prosecutor I positions, forty — one (41) Family Advocate positions, and forty — one (41) Advocate for Minors’ Affairs positions.

The Governor may authorize the creation of seven (7) additional General Special Prosecutor positions, seven (7) additional Assistant Prosecutor III positions, eighteen (18) additional Assistant Prosecutor II positions, twenty (20) additional Assistant Prosecutor I positions, eight (8) additional Family Advocate positions, and fourteen (14) additional Advocate for Minors’ Affairs positions by certification of the Secretary attesting to the need to create additional prosecutor and advocate positions.

General Special Prosecutors, District Attorneys, Assistant Prosecutors III, Assistant Prosecutors II, Assistant Prosecutors I, and Family Advocates have the powers and shall exercise the functions previously exercised by them or by officials of the same class under legal authority until the date of effectiveness of this Act; the Advocate for Minors’ Affairs shall have the powers and exercise the functions established by Act No. 88 of July 9, 1986, and the Family Advocate shall have the powers and exercise the functions established by this Act and by Act No. 177 of August 1, 2003, known as the “Comprehensive Child Well-being and Protection Act,” or as otherwise provided in the future.

Section 82. — Salaries. — (3 L.P.R.A. § 295f)

The annual salaries indicated below are hereby established for the following positions in the Department, comprised within the Confidential Service:

Position	Annual Salary
District Attorney	Salary equal to that of a Superior Judge
General Special Prosecutor	Salary equal to that of a District Attorney
Assistant Prosecutors III	95% of a District Attorney’s salary
Assistant Prosecutors II	90% of a District Attorney’s salary
Assistant Prosecutors I	80% of a District Attorney’s salary
Advocate for Minors’ Affairs	90% of a District Attorney’s salary
Family Advocate	90% of a District Attorney’s salary

The Secretary is hereby authorized to designate prosecutors and advocates to discharge directing or administrative functions and others corresponding to positions in the confidential service in the Department when the needs of the service so require. In these cases, such a special designation does not interrupt the term for which the official was appointed. Furthermore, the Secretary may grant officials thus designated a differential in salary that shall not exceed ten (10) percent of the salary assigned by this Act, pursuant to the norms to be established through regulations. When establishing compensation, he/she may take into account any special working conditions, the administrative reality of the Department, the number of prosecutors or advocates and employees under his/her supervision and any other pertinent factor. The payment of differential shall cease when the Secretary relieves the prosecutor or advocate from the exercise of the special functions.

Section 83. — Vacation and Sick Leave. — (3 L.P.R.A. § 295h)

Prosecutors and advocates shall be entitled to accrue and enjoy vacation and sick leaves pursuant to the norms that apply to the employees of the Department. The Secretary shall adopt, through regulations, the procedure on the granting, enjoyment and liquidation of the vacation and sick leaves established by law.

Section 84. — Leave Lump Sum Payment. — (3 L.P.R.A. § 295i)

Upon severance from service, prosecutors and advocates are entitled to receive a lump sum payment for the vacation and sick leaves accrued pursuant to the provisions of Section 2 of Act No. 125 of June 10, 1967, as amended.

FOURTH SECTION. — Disciplinary Procedures

Section 85. — Causes for Admonishment, Severance, Suspension and Removal. — (3 L.P.R.A. § 295j)

Prosecutors and advocates may be admonished, severed, suspended from employment and salary or removed from office before the expiration of the term for which they were appointed, subject to the procedure adopted through regulations, for the following reasons:

- (a) moral, improper or reprehensible conduct, including the use of their position for their own benefit;
- (b) manifest professional incompetence or inability in the discharge of their functions and duties;
- (c) mental or physical disability that affects the discharge of their functions when there is reasonable grounds to believe that the official in question is disabled or when there is a medical or judicial finding to that effect;
- (d) evidence of illegal use of controlled substances;
- (e) conviction for a felony or a misdemeanor, regardless of whether it implies moral turpitude or not;
- (f) insubordination or dereliction of their duties; or
- (g) failure to comply with the duties and functions imposed by law or administratively.

Section 86. — Prohibition. Political Activities. — (3 L.P.R.A. § 295k)

It is prohibited for prosecutors and advocates to participate in political party activities. Violation of this prohibition constitutes a cause for job and pay suspension or removal. No prosecutor or advocate may:

- (a) Participate in political campaigns of any kind.
- (b) Hold a position in political entities or parties.
- (c) Make money contributions, whether directly or indirectly, to political candidates, entities or parties.
- (d) Participate in meetings, gatherings, assemblies, conventions, primaries or other functions of a political-partisan nature.
- (e) Publicly endorse or oppose candidates to elective offices or government appointments made by the Governor to hold office in the Executive Branch other than prosecutors or political leaders.
- (f) Make public expressions, comments or manifestations on matters or acts of a political-partisan nature. This comprises public expressions made to communications media or in concentrations or meetings of a political-partisan nature, but it shall not undermine the right to free expression of prosecutors and advocates on matters of public interest geared toward

strengthening and protecting their profession or other matters related to the law or proposals that have a bearing on the discharge of their functions.

(g) Politically attack or engage in controversies with political candidates or leaders, without undermining their right to defend themselves against abusive attacks against their person or their honor.

(h) Foster the interests of any political entity or party whatsoever. Prosecutors and advocates should be and feel free from any and all political influences and not allow room with their conduct for the belief that their political ideas have an influence on their discharge of their public office. Furthermore, it is their duty to see that officials and employees under their direction not tarnish with their political conduct the image of impartiality that should prevail in the justice system.

(i) Publicly announce their intention to run for public office, carry out activities geared toward that purpose, or actually formalizing said intention to run before the competent government entity while discharging the duties inherent to their position.

(j) Request or persuade any person going to the Department as a witness, informant or complainant or to request the services offered to citizens by the Department, so that he/she participates or refrains from participating in political activities in exchange for the benefits or services that correspond.

(k) Use insignias, buttons or emblems allusive to political parties.

(l) Procure the endorsement of any elected official with the purpose of obtaining a renomination or promotion, except for the Governor and the members of the Senate of Puerto Rico in the exercise of its constitutional power of confirmation.

(m) Use their position to further personal political agendas.

Section 87. — Procedure. — (3 L.P.R.A. § 295l)

The complaint whereby it is requested that a prosecutor or advocate be admonished, severed, suspended or removed shall be processed pursuant to the procedure adopted through regulations. The complaint shall be presented at the Department, by initiative of the Secretary or by any citizen in the form of a sworn written statement. Once presented, the Secretary shall order an investigation on the alleged facts. Based on the investigation conducted, the Secretary may dismiss the complaint or bring charges, notifying the official in question in writing stating the causes and grounds and giving him/her the opportunity to be heard. In these cases, the Secretary may, while preparing the procedure, relieve the prosecutor or advocate from his/her functions, reassign him/her to other tasks or take any other measure that, pursuant to the circumstances of the case, it is necessary to adopt in benefit of the service.

Once the charges have been proven, the Secretary may admonish the prosecutor or advocate or submit a report to the Governor with the findings, conclusions and recommendations arising from the procedure for the severance, job and pay suspension or removal of said official. Based on said report, the Governor shall determine which action is in order.

The permanent severance from office of a prosecutor or advocate shall not impair his/her vested rights under the Retirement System of the Employees of the Government of the Commonwealth pursuant to the provisions of Act No. 447 of May 15, 1951, as amended.

Section 88. — Appeal. — (3 L.P.R.A. § 295m)

The prosecutor or advocate thus affected may present in writing an appeal before the Board of Appeals of the Personnel Administration System within thirty (30) days as of the date of notice of the action taken by the Governor in which he/she decrees the severance, suspension or removal, or as of the date of notice of the Secretary admonishing him/her.

Section 89. — Judicial Review. — (3 L.P.R.A. § 295n)

The Governor, the Secretary, or the prosecutor or advocate affected may request a review of the decision of the Board of Appeals of the Personnel Administration System before the Court of Appeals within thirty (30) days as of the date of notice of the decision.

CHAPTER V. — Transitory Provisions

Section 90. — Proviso. — (3 L.P.R.A. § 295o)

The provisions of this Act do not impair or undermine the authorities and powers conferred onto the Secretary and the Department by other laws and executive orders that are not incompatible with its provisions, nor do they impair the powers inherent to the office of the Secretary. Furthermore, they shall not affect any program, office, bureau or dependency attached by law to the Department, or the functions of the Secretary and the Department as assigned by law in relation to other agencies.

Section 91. — Rules, Regulations, Norms and Administrative Orders. — (3 L.P.R.A. § 295p)

The rules, regulations, norms and administrative orders, the personnel system, and the procedures for biddings and acquisition of goods and services that govern the operation and administration of the Department, the regulations on the essential areas of the principle merit, as well as the duties, responsibilities and compensation of its officials and employees in effect as of the date of effectiveness of this Act and which are not in conflict with its provisions, shall remain in effect until amended, repealed or substituted by the Secretary pursuant to the law.

Section 92. — Arrangements, Agreements, Contracts and Programs. — (3 L.P.R.A. § 295q)

No provision of this Act shall be construed to modify, alter or invalidate the arrangements, agreements, claims or contracts executed by the Secretary or authorized officials, as well as the rights or obligations in effect at the time of approval of this Act.

No provision of this Act shall be interpreted to alter or undermine the authorities and functions of programs, offices, boards, dependencies and divisions created by law or by administrative provision unless otherwise provided in the future.

Section 93. — Use of Property and Funds. — (3 L.P.R.A. § 295r)

The real and personal property, as well as the files, records, the remainder of the funds appropriated to the Department in the Puerto Rico Government expense budget in effect, or by any other law or joint resolution, and the donations, agreements or funds originating from any other source shall continue to be used by the Department pursuant to the norms and conditions prevailing at the time this Act takes effect.

Section 94. — Continuity of Office. — (3 L.P.R.A. § 295s)

The current General Prosecutor of Puerto Rico and the General Solicitor of Puerto Rico, as well as the current General Special Prosecutors, District Attorneys, Assistant Prosecutors III, Assistant Prosecutors II, Assistant Prosecutors I, Special Family Relations Advocates, Special Advocates for the Protection of Minors, whose positions by virtue of this Act are redesignated as Family Advocates and Advocates for Minors’ Affairs, who have been appointed before the date of effectiveness of this Act, shall continue in the exercise of their office without the need for a new appointment, until the term for which they were appointed expires. Likewise, the provisions of this Act shall not affect the exercise of the functions and powers these officials have or the salary they earn as of the date of effectiveness of this Act.

Section 95. — Vested Rights of the Personnel. — (3 L.P.R.A. § 295t)

Officials and employees of the Department, including officials and employees of attached programs, are hereby guaranteed their vested rights under the laws, regulations and personnel systems, as well as their compensation and the rights, privileges, obligations and status in respect to any existing pension, retirement or savings and loan fund system to which they are affiliated at the time of approval of this Act.

Section 96. — Pending Actions and Proceedings. — (3 L.P.R.A. § 295u)

Any civil, criminal or administrative action or proceeding that may be brought or which is pending at the time of approval of this Act shall be brought or continued to be processed under the laws in effect and shall not be affected by the provisions of this Act.

Section 97. — Repealing Clause. — (3 L.P.R.A. § 291 note)

Sections 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77 and 78 of the Puerto Rico Political Code approved on March 1, 1902, as amended, are hereby repealed; as well as Section 6 of Act No. 20 of February, 1903; Act No. 3 of 1904, as amended, which provides for the appointment of District Attorneys; Act No. 9 of March, 1905, which prohibits that prosecutors practice the legal profession; Act No. 20 of May 29, 1925; Act No. 55 of April 30, 1938; Act No. 147 of May 9, 1938, as amended; Act No. 34 of November 21, 1941; Act No. 27 of July 2, 1947, as amended; Act No. 23 of June 24, 1952, as amended; Act No. 7 of May 15, 1959, as amended; Act No. 28 of June 4, 1960; Act No. 79 of June 21, 1962; Act No. 54 of June 6, 1963; Act No. 141 of June

30, 1966, as amended; Act No. 75 of June 6, 1968, as amended; Act No. 17 of May 8, 1973, as amended; Act No. 48 of July 2, 1985; and Act No. 83 of June 18, 2002.

Section 98. — Budget Appropriation. — (3 L.P.R.A. § 291 note)

The funds appropriated to the Department during the fiscal year in course, originating from legislative appropriations, federal funds and any other funds, shall continue to be used for the purposes for which they were appropriated.

The funds needed to carry out the purposes of this Act shall be consigned annually in the annual expenses budget of the Commonwealth of Puerto Rico.

Section 99. — Effectiveness. — (3 L.P.R.A. § 291 note)

This Act shall take effect immediately after its approval. The Secretary shall promulgate the regulations provided for in this Act within ninety (90) days as of its date of effectiveness.

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.