

Civil Rights Commission

Act No. 102 of June 28, 1965, as amended,

(Contains amendments incorporated by:

Act No. 136 of June 29, 1996

Act No. 186 of September 3, 1996

Act No. 173 of December 19, 1997

Act No. 474 of September 23, 2004

To create a Commission of Civil Rights; to grant to the Commission the necessary powers to carry out its purposes; to provide everything necessary for its organization and functioning; and to appropriate the sum of fifty thousand (50,000) dollars for the carrying out of the purposes of this act, for the fiscal year 1965-66.

STATEMENT OF MOTIVES

On February 1956, the then Governor of Puerto Rico, Luis Muñoz Marín, created a Commission of Civil Rights, aimed primarily at making a survey of all potential problems of human rights in Puerto Rico, covering questions arising from the Constitution, from the laws, and from the exercise of the authority of the United States Government.

Said Commission, after an intensive task of investigation and study, carried out with the collaboration of professors and students of the University of Puerto Rico, members of the judiciary and of the Department of Justice, rendered a report to the Governor pointing out, among other recommendations, the convenience of creating, as a specialized organization with a permanent character, for the protection of the civil rights in Puerto Rico, a Commission to conduct activities for educating the public and the government officials on the meaning of the fundamental rights and the ways of respecting, protecting and exalting them.

The effectiveness of the human rights depend, in a large measure, on the attitudes of the individuals; and there can be no better way to guide them than through education. The fundamental rights of the citizen, however, are ultimately the responsibility.

Be it enacted by the Legislature of Puerto Rico :

Section 1. — [Creation] (1 L.P.R.A. § 151)

A Civil Rights Commission is hereby created which shall be composed of five (5) members appointed by the Governor with the advice and consent of the Senate. No official or employee of the Commonwealth Government and its instrumentalities and municipalities

shall be a member of the Commission, with the exception of the teachers of the Department of Education and the professors of the University of Puerto Rico.

The members of the Commission shall be appointed for a term of six (6) years, and except for a duly-justified cause, after a hearing of the party concerned, no member of the Commission shall be removed from office before the expiration of the term for which they have been appointed. The first appointed members shall hold office as follows: one for two (2) years; one for three (3) years; one for four (4) years, and two for six (6) years. A person appointed to fill a vacancy occurring before the expiration of the term of any of the members of the Commission shall hold office for the remainder of the term of the member replaced.

Three (3) members of the Commission shall constitute a quorum for the business of the Commission, but the Commission may delegate on one or more of its members and its Executive Director the function of hearing testimonies or receiving any other evidence for the Commission.

Section 2. — [Election of chairman, vice-chairman and secretary] (1 L.P.R.A. § 152)

Once the Commission has been constituted, its members shall elect from among their number a chairman, a vice-chairman, and a secretary.

Section 3. — [Functions] (1 L.P.R.A. § 153)

The Commission shall have the following functions:

- (a) To educate the entire population on the significance of the fundamental rights and the means of respecting, protecting and exalting them.
- (b) To seek with individuals and before the government authorities protection of the human rights and strict enforcement of the laws protecting such rights.
- (c) To carry out surveys and investigations on the effectiveness of the fundamental rights, including complaints and grievances by any citizen in connection with the violation of those rights.
- (d) To render an annual report and any special reports to the Governor, the Supreme Court and the Legislature, with such recommendations as it may deem necessary for the continuous and effective protection of such rights. After the first annual report, the Commission shall include at the end of its annual reports a summary of the recommendations previously made by it and a statement of the action taken on said recommendations. The Commission shall publish its reports not later than five (5) days after they have been sent to the Governor, the Supreme Court and the Legislature. The Commission may also publish the studies and monographs submitted by its consultants and advisers.
- (e) To evaluate the laws, standards and acts of the Commonwealth and municipal governments in connection with the civil rights, and to suggest reforms in respect to same.

Section 4. — [By-laws] (1 L.P.R.A. § 154)

The Commission shall formulate the necessary bylaws for the carrying out of its functions, as established in this chapter. Said bylaws shall make the necessary provisions for the fulfillment of the following procedural requirements:

- (1) The holding of public hearings at least twice a year.
- (2) Notices for public hearings shall be published ten days in advance in two newspapers of general circulation, and shall set forth in detail the purposes of and the business to be considered at such hearings.
- (3) At the opening of the hearings in each city, the chairman shall explain the ends and purposes and the norms of the Commission. Each participant shall be furnished with a copy of the rules of procedure governing the hearings.
- (4) All oral testimony shall be heard in public meetings except that when the Commission shall consider that the evidence or testimony to be presented at a hearing may tend to discredit, degrade or incriminate any person, it may then choose to receive said testimony in an executive meeting. The Commission, in rendering its report on the matter, may make public any testimony or evidence received in the executive meeting.
- (5) Each witness may, if he so deems it convenient, be assisted by counsel. He shall also have the right not to be photographed without his consent; to be examined by his attorney within the norms of the hearing, and the application thereof by the chairman; to review the transcription of his testimony for exactness and to copy said transcription; to submit in writing brief sworn statements for the record of the hearing.
- (6) If the Commission determines that any evidence tends to discredit or incriminate any person, it shall afford said person opportunity to appear in person or in writing.
- (7) The Commission shall determine the other rules of procedure for the public hearings, including those that refer to the admissibility of evidence and to the exclusion of persons who violate the standards of respect and decorum that must prevail in a hearing.

Section 5. — [Investigations] (1 L.P.R.A. § 155)

The Commission shall not have the authority to adjudicate individualized cases nor remedies, but it is empowered to participate as *amicus curiae* in any stage of a process. The Commission shall not intervene in any process of a penal nature. To authorize the intervention of the Commission as *amicus curiae* in a process, it must have the approval of a majority of its members.

In order to conduct its functions, the Commission shall establish and organize an office adequate to its needs, which is attached but is not part of the Legislature, and may use its administrative services only if necessary in order to expedite its work. It shall also designate an Executive Director who shall be responsible for organizing and directing the tasks assigned to the office, and with the prior approval of the Commission, who shall appoint the office personnel, that shall not be subject to the provisions of the Personnel Laws of the Government of Puerto Rico and its regulations. Likewise, the Director may contract the services of experts and advisors. The Director shall administer the budget and be accountable for his actions before the Commission, through its President.

Section 6. — [Oaths, testimonies and witnesses] (1 L.P.R.A. § 156)

The Commission and its Executive Director shall have authority to administer oaths and receive testimonies, and to subpoena witnesses to appear for testifying and producing any papers, books, documents or other evidence, through subpoena.

Should a witness summoned by the Commission fail to appear and testify, or to produce the required evidence, or refuse to answer any question in connection with any study or investigation being conducted by the Commission in the discharge of its functions, the chairman of the Commission may request assistance from the San Juan Part of the Court of First Instance of Puerto Rico to compel such witness to appear and testify, or to produce the required evidence, as the case may be. The Secretary of Justice shall tender to the Commission the necessary legal assistance for said purposes.

Once the petition is filed in the San Juan Part of the Court of First Instance of Puerto Rico, said Court shall subpoena the witness to appear and testify or to produce the evidence requested, or both, before the Commission; disobedience of the order issued by the Court shall be punished by said court as civil contempt.

Section 7. — [Office, executive director] (1 L.P.R.A. § 157)

In order to conduct its functions, the Commission shall establish and organize an office adequate to its needs, which is attached but not part of the Legislature, and may use its administrative services only if necessary in order to expedite its work. It shall also designate an Executive Director who shall be responsible for organizing and directing the tasks assigned to the office, and with the prior approval of the Commission, shall appoint the office personnel, which shall not be subject to the provisions of the personnel laws of the Government of Puerto Rico and its regulations. Likewise, the Director may contract the services of experts and advisors. The Director shall administer the budget and be accountable for his actions before the Commission, through its chairperson.

Section 8. — Cooperation of Governments Organizations. (1 L.P.R.A. § 158)

The Commission may use the services and facilities offered by persons or private institutions. The Department of Education, the University of Puerto Rico, the Department of the Family, the Corrections Administration and the Puerto Rico Police, among other government bodies, shall provide their facilities for the educational activities of the Civil Rights Commission, in general.

Government of Puerto Rico's radio and television stations shall assign, free of cost, a permanent time slot, of at least one hour a month, to broadcast information on civil rights.

The Commission may contract or appoint any official or employee of the Government of Puerto Rico or of any of its departments, agencies, instrumentalities, bodies or political subdivisions, with the consent of the nominating authority of the government organization where said official or employee is rendering services. In such a case, it shall be the duty of the nominating authority to retain the positions or employment of said officials or employees while the Commission is using their services.

The Commission is also authorized to contract the services of any official or employee of the Government of Puerto Rico or any of its departments, agencies, instrumentalities, bodies or political subdivisions, and to pay for the additional services rendered to the Commission after their regular working hours without being subject to the provisions of section 177 of the Political Code [3 L.P.R.A. § 551].

The Commission may, with the approval of the Governor, entrust to any department, agency, bureau, division, authority, instrumentality, body or political subdivision of the Government of the Commonwealth of Puerto Rico, to perform any study or investigation, or any phase or part thereof, or to perform any other kind of work that is necessary for the discharge of its functions. The government body so entrusted shall give every priority possible to the completion of such study investigation or work. The government organization entrusted with such a study, investigation or work, may request and obtain from the Commission, if, in its judgment, it is necessary, upon prior authorization of the Governor, a transfer of funds in the amount the Commission may deem reasonable.

The Commission may appoint Advisory Committees in each of the municipalities of the country, constituted by citizens of those municipalities.

Section 9. — [Per diems and reimbursement of expenses] (1 L.P.R.A. § 159)

The members of the Commission, with the exception of the teachers of the Department of Education and the professors of the University of Puerto Rico, shall be entitled to a per diem of twenty-five dollars (\$25) for each meeting they attend, or for each day they engage in businesses entrusted to them by the Commission or its Chairperson with regard to the duties imposed on them by this chapter.

Section 10. — [Administration of Funds] (1 L.P.R.A. § 160)

The Commission is hereby authorized to receive and administer funds derived from legislative appropriations, funds transferred from other agencies or dependencies of the government, and donations of any kind.

For its normal functioning, in accordance with its work program, the corresponding annual appropriations shall be made in specific items within the general budget of expenses of the government.

Section 11. — [Penalties] (1 L.P.R.A. § 161)

(1) Any person who shall voluntarily disobey, hinder or obstruct the Commission or its authorized agents in the discharge of their duties under this chapter, or who shall obstruct the holding of a hearing conducted in accordance with this chapter, shall be punished by a fine of not more than five thousand dollars (\$5,000) or by imprisonment for a term of not more than one year, or by both penalties, in the discretion of the court.

(2) Without the consent of the Commission no evidence or testimony offered in an executive meeting will be published. Any person violating this provision shall be punished by a fine of not more than five thousand dollars (\$5,000) or by imprisonment for a term of not more than one year, or by both penalties, in the discretion of the court.

Section 12. — [Appropriations]

The sum of fifty thousand (50,000) dollars is hereby appropriated for the operation of the Commission of Civil Rights for the fiscal year 1965-66.

Section 13. — This Act shall take effect July 1, 1965.

Note. This compilation was prepared by 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.