

Organic Act of the Corrections Administration

Act No. 116 of July 22, 1974 as amended,

(Contains amendments incorporated by:

Act No. 21 of July 10, 1978
Act No. 45 of May 10, 1976
Act No. 102 of June 4, 1980
Act No. 3 of March 23, 1984
Act No. 37 of June 19, 1987
Act No. 27 of July 20, 1989
Act No. 7 of November 30, 1989
Act No. 47 of August 6, 1991
Act No. 67 of August 7, 1993
Act No. 120 of December 19, 1993
Act No. 130 of December 13, 1994
Act No. 49 of May 26, 1995
Act No. 125 of August 12, 1996
Act No. 142 of August 19, 1996
Act No. 155 of August 20, 1996
Act No. 183 of July 29, 1998
Act No. 248 of August 16, 1998
Act No. 4 of January 4, 2000
Act No. 60 of July 18, 2001
Act No. 151 of October 31, 2001
Act No. 180 of December 23, 2001
Act No. 9 of January 1, 2003
Act No. 135 of June 3, 2004
Act No. 315 of September 15, 2004
Act No. 518 of September 29, 2004
Act No. 465 of September 23, 2004
Act No. 102 of July 19, 2006
Act No. 16 of March 2, 2007
Act No. 39 of May 1, 2007
Act No. 169 of August 6, 2008
Act No. 44 of July 27, 2009)

(Amendments non-incorporated

Act No. 130 of October 26, 2009
Act No. 202 of December 29, 2009
Act No. 208 of December 29, 2009)

To create the Corrections Administration; to define its aims; to provide for its powers and organization; to transfer functions and programs; to establish penalties and to repeal certain acts.

Be it enacted by the Legislature of Puerto Rico :

TITLE I. — CREATION OF CORRECTIONS ADMINISTRATION

Section 1. — [Short title] (4 L.P.R.A. § 1101)

This act shall be known as the "Organic Act of the Corrections Administration."

Section 2. — [Creation] (4 L.P.R.A. § 1102)

The Corrections Administration is hereby created.

Section 3. — [Administrator; appointment; salary] (4 L.P.R.A. § 1103)

The Administration shall be under the direction of a Correctional Administrator who shall be appointed by the Governor, with the advice and consent of the Senate of Puerto Rico. The salary of the Administrator shall be sixty thousand dollars (\$60,000) annually.

The Administrator shall appoint an Assistant Administrator. In the event of absence or temporary incapacity, or of death, resignation or removal of the Administrator, the Assistant Administrator shall exercise the powers and duties of the Administrator, as Acting Administrator, until the return of the Administrator or until his substitute is appointed and qualified.

Section 4. — [Purpose] (4 L.P.R.A. § 1111)

The Corrections Administration shall administer an integrated correctional system and shall set standards to structure more effective individualized treatment by establishing or extending rehabilitation programs in the community.

Section 5. — [Functions and powers] (4 L.P.R.A. § 1112)

To achieve these purposes, the Administration shall have the following duties and powers:

- (a) Structure the public policy in the correctional area.
- (b) Organize correctional services to the effect that rehabilitation shall have the highest priority among the objectives of the Commonwealth of Puerto Rico. To such ends:
 - (1) Design a new diversified system of institutions, programs and human resources that make feasible the implementation of better individualized treatment;
 - (2) increase the creation of lesser capacity institutions that may be semi-closed, open or of any other type that will allow the treatment needed to help the members of the

correctional population to return to the free community within the shortest time possible when this is compatible with the public safety;

(3) use the method of rehabilitation within the community to the greatest possible extent, to include among other means, work, study or treatment programs when this is compatible with the public safety;

(4) include within the rehabilitation process, ample opportunities for acquiring skills, training and knowledge to allow the members of the correctional population to return to the community properly equipped to ensure a dignified existence, and

(5) channel the support of the citizens leading to the creation of innovative rehabilitation programs in the community strengthened by community services.

(c) To draft, in accordance with the purposes of this act, the internal regulations needed for the diagnosis, classification, treatment and rehabilitation programs of the inmates of the correctional population.

(d) To establish and keep individualized records of the background evaluations, general conduct and progress of the correctional population of the system, also being able to establish regulations to determine confidentiality criteria with regard to said evaluations or reports.

(e) To determine, pursuant to the evaluation made by the personnel in charge of the treatment, or the specialists, and the regulations promulgated by the Administration to such effects, the institutions operated by the latter, or by any other government or private entity, to which the correctional population of the correctional system is to be committed or transferred.

It shall also draft the regulations, pursuant to the purposes of this act, needed to establish electronic surveillance programs, through which the correctional population that qualifies therefore and voluntarily accepts to participate in them, may serve their sentences outside of the correctional institution. The regulations shall establish the eligibility criteria, conditions and requirements for said programs and to revoke the participation of the members of the correctional population in them, in compliance with due process of law. The Administrator shall take into consideration the norms established in Section 10 of this Act, and shall adopt the measures needed to achieve the purposes of the programs and protect the safety of the community.

The Administrator may also enter into agreements with government or private entities for the committing or transferring of the population and other means that are compatible with the public safety.

(f) Implement programs to offer to the correctional population appropriate medical care and hospital services intended to prevent diseases and the diagnosis, treatment, and rehabilitation of the patient.

The services may be furnished, whenever the circumstances so require, outside Administration facilities under the necessary security measures.

Detailed records of medical examinations and the health condition of the patient shall be kept.

(g) Create all the individualized programs which may be necessary to meet the requirements of the system to provide academic, vocational, and training education of all kinds, with proper counseling. The programs shall be directed to meet the prevailing requirements and conditions in the labor market, with a view to obtain adequate means of subsistence. These programs shall also be envisioned, so that their recognition and accreditation by the proper

government and private agencies will be expedited. The necessary exchange and coordination with said entities shall be established.

(h) Develop and obtain every possible source of work to propitiate the rehabilitation of the correctional population and help those who are released. To broaden the employment opportunities by granting direct financial assistance, incentives, subsidies, counseling, or any other type of assistance so that those inmates who are released can promote or participate in industrial, commercial, agricultural or any other kind of projects and activities.

To such effects, the agencies and public corporations of the Government of the Commonwealth of Puerto Rico and the municipalities are hereby authorized to transfer funds or provide services, counseling or other available resources to the Administration, under the conditions consigned in the agreements.

Assistance or help to inmates who are released shall be furnished to the extent that the resources of the Administration allow and for a reasonable period that will enable their incorporation to the community through regulations promulgated to such effects by the Administrator. For such purpose, the Administration shall give consideration, among other, to factors such as the skills and academic education of those who are released, the needs of their families, and the socioeconomic conditions that prevail in the area where they live.

In as much as possible, the work of the correctional population shall be rendered in similar conditions to those that prevail for regular employees, subject to the established regulations.

(i) Regulate the contribution made by the correctional population whether from the cash they receive or their wages for work rendered in the Work and Training Enterprises Corporation, government, state or municipal agencies, in private enterprise or any other source outside the Administration. The funds obtained thereby shall be covered into the Special Fund in the Commonwealth Treasury. These contributions shall be used, in the proportion determined by the Administrator by regulations for each specific purpose, for the following:

- (1) Defray part of the expenses the inmate causes the system;
- (2) provide financial aid to their dependent family;
- (3) reserve the resources which the inmate shall receive upon release;
- (4) reserve resources that will allow the Administration to increase the remuneration of the inmates employed in the Administration, and
- (5) compensate the victims injured by the crime for which the inmate was convicted when it is provided by the court.

(j) Establish a center of statistics that shall compile and keep information and data on: criminal incidence, in its diverse modes, by groups and ages; terms of sentences imposed and periods served; probation or parole cases; information on the development and results of the treatment; recidivism; and every other aspect of the correctional or criminal justice system that will be useful within the framework of criminological investigations, to devise effective guidelines for correctional treatment as well as for the public policy all the criminal justice system.

(k) Direct, advice, evaluate, coordinate, promote, and participate in the development of attitudes, activities, and services leading to eradicate criminality and propitiate the rehabilitation of persons who demonstrate antisocial behavior.

(l) Establish and maintain adequate facilities to implement the security measures as established in the Penal Code of Puerto Rico. The primary responsibility to establish and maintain adequate facilities to implement the rendering of medical care and hospital services

to the insane and mentally retarded rests on the Department of Health. The Governor shall designate an official who, together with the Department of Health and the Administration shall design a plan by virtue of which it is made feasible for the Department of Health to fully assume said function. In the event it is determined that it is necessary to approve legislation to structure said plan, the pertinent proposals shall be submitted. If it is determined that the implementation of the plan does not require legislation, the Governor is empowered to transfer said functions to the Department of Health through an Executive Order. The Administration shall continue, subject to applicable laws, to discharge said functions with regard to those persons who are insane or mentally retarded until the Executive Order of the Governor becomes effective. The Administration shall execute the necessary agreements with the Department of Health for it to provide all possible assistance, with regard to said persons, to the extent allowed by the resources of said Department. Provided, That the Department of Health, upon the advice and consent of the Administration, shall implement a flexible medical services system that is adapted to the rehabilitation plan established for the different members of the inmate population.

(m) Administer the services required by the members of the correctional population under electronic monitoring programs, freedom on probation, under therapeutic restriction, under domiciliary restriction or under the security measures and parole in the custody or under the supervision of the Administration, taking also into consideration the conditions imposed by the Parole Board, the terms of the sentence or the security measures imposed by the court, as the case may be. To that end: conduct investigations and render the necessary reports regarding the conduct of the members of the correctional population, conduct the required evaluations and maintain effective coordination with said Board or with the court.

(n) Administer reciprocity agreements with other jurisdictions for the custody and supervision of those released or on probation.

(n) Acquire legal custody of every person prosecuted and sentenced to imprisonment by order of a competent court. When judgment is pronounced, the court shall not order the commitment of the convicted person in a private or public institution that is not penal in nature.

(o) Establish agreements or covenants with public or private agencies that can expedite the establishing of the functions entrusted in this act. This right shall include the contracting of custodial and food services of the inmates, as well as the contracting of the construction, administration, and maintenance of correctional institutions with private agencies or companies. The Administration shall establish the criteria and requirements of physical facilities, the organization, operation, administrative and custodial personnel and others, that these institutions must meet to have access to such contracting and to be accredited as private custodial institutions.

(p) Establish adequate procedures for the handling of all the documents of the agency. All records, legal documents, evaluations, forms, communications or any other written evidence related to the inmate population of the system shall be the property of the Corrections Administration. Its use, conservation and disposal shall be performed pursuant to the Regulations adopted by the Corrections Administrator to such effect, pursuant to Act No. 5 of December 8, 1955, as amended, known as the “Puerto Rico Public Documents Administration Act”.

- (q) To prepare a report on the family background and social history of the person convicted, and the economic, emotional, and physical effect caused on the victim and his/her family, by the commission of the crime.
- (r) To operate stores in the correctional institutions to expedite the sale of products and articles to the members of the correctional population and to employees in emergencies such as hurricanes. The operation of these stores shall be subject to the regulations approved to govern the provision of goods and products.
- (s) To issue reference letters for the purposes of employment search, in meritorious cases of members of the corrections criminal population who have shown a good institutional adjustment, who served their sentence, or will soon serve it, and who do not pose a threat to the community. The Administration shall set forth by a regulation, the format, content and procedure to be used when issuing these reference letters.
- (t) Draft, jointly with the Secretary of Justice, the Regulations needed to establish the procedure for evaluating the adjustment of the inmate and to issue and process the rehabilitation certification as established in Section 104 of the Penal Code of the Commonwealth of Puerto Rico and in Section 7 of the Constitutional Rehabilitation Mandate Act.
- (u) Draft the regulations needed to execute and supervise therapeutic restriction, domiciliary restriction and community service penalties as established in the Penal Code of the Commonwealth of Puerto Rico and the purposes of this act.
- (v) To develop, in coordination with the Public Broadcasting Corporation for Puerto Rico, the Federal Communications Commission in Puerto Rico and the Puerto Rico Police, the implementation of the Citizens Alert Program on the Escape or Breakout of Dangerous Inmates, as well as to promote its adoption among the various cable systems, and the local radio and television stations. To those effects it shall draft regulations to specifically attend to the provisions of this subsection, which shall include, without it being understood as a limitation, the following:
 - (1) Criteria to determine whether in fact an escape or a breakout has occurred; it being understood that the Corrections Administration shall corroborate whether in fact an escape has occurred.
 - (2) That a dangerous inmate is concerned. The Administration shall establish through regulations who is considered to be a dangerous inmate for the purpose of activating the alert.
 - (3) Criteria that would help to describe the fugitive, such as his/her weight, height and age, among other things.
 - (4) To establish that if the aforementioned requirements have been met, it shall proceed to activate the Citizens Alert Program on the Escape or Breakout of Dangerous Inmates.

Section 6. — [Additional powers] (4 L.P.R.A. § 1113)

The Administrator shall have, in addition to the powers granted by this act or by other acts, the following powers:

- (a) To adopt an official seal of the Administration of which judicial cognizance shall be taken.

- (b) To establish the internal organization of the Administration and to designate the necessary auxiliary officers.
- (c) To plan, direct and supervise its functioning.
- (d) Create an organized plan through the designating of programs or norms whose point of reference shall be the adequate rehabilitating process to ensure a better quality of life for the member of the correctional population.
- (e) To carry out studies which shall reveal the dysfunctional elements of the correctional system and take steps that will produce an integral and efficient operation.
- (f) Together with the other governmental bodies of the Commonwealth of Puerto Rico, to create the necessary conditions to obtain greater opportunities for cooperative efforts and the coordination and integral planning of the correctional system.
- (g) To formulate, in accordance with this act, the correctional policy and to prescribe programmatic guidelines and standards for the institutional regime.
- (h) To assign administrative tasks on a discretionary basis that will permit the most efficient use of human resources, considering, among others, the following factors:
 - (1) Rational assignment and distribution of functions;
 - (2) distribution of power in accordance with the responsibilities;
 - (3) proper selection of personnel, and
 - (4) to provide funds in accordance with the needs of the agency.
 - (i) To appoint, transfer, and remove personnel, and to recommend promotions within the Uniform Rank System of the Correctional Officers Corps, pursuant to the applicable laws and regulations.
- (j) To appoint the commissions, committees, boards and other bodies, directed to obtain the most ample citizen participation in the Administration programs.
- (k) To delegate on subordinate officers and authorize the latter to subdelegate on other officers any function or power conferred to them, except that the power of appointment, of adoption of rules and formulation of the standard policies of the Administration are nondelegable.
- (l) To approve, amend and repeal regulations to implement this act, which shall have the force of law.
- (m) To prepare and administer the budget.
- (n) To execute contracts and other necessary instruments inherent to his powers.
- (o) To represent the Administration in such acts and activities as may be necessary.
- (p) To advise the Governor and other governmental officers as well as the Legislature of Puerto Rico on the correctional public policy and other phases related to criminal justice.
- (q) To evaluate periodically the programs and guidelines, particularly those relating to prevention, diagnoses, treatment and rehabilitation, to the institutions, human resources and to the available funds in order to develop perspectives and methods that permit the government to redirect its pursuit in consonance with new scientific methods and the evaluation of Puerto Rican problematics.
- (r) To promote, sponsor and participate in conferences, seminars, research groups, investigation centers and all kinds of educational activities, of any sort, and to establish information exchange systems with:
 - (1) Other components of the criminal justice.
 - (2) Governmental bodies.

(3) Foundations.

(4) Educational, civic, professional, industrial or any other kind of institution; to propitiate adequate approaches to psychosocial problems of our Island.

(s) Subject to the applicable laws or regulations, to acquire, lease, sell, or otherwise dispose of the property as may be necessary to carry out the purposes of this act.

(t) To accept and receive any gift or other kind of aid, in money, property or services coming from private persons or institutions and manage the same in accordance with the terms of the donation and of the law.

(u) To request and obtain aid or assistance in money, property or services of the United States Government, the federal states, the Commonwealth of Puerto Rico, or any of their agencies, public corporations or political subdivisions for the purposes of this act, in accordance with the applicable legislation, regulation, agreement or contract.

The Governor is hereby authorized to designate the Administrator and the Administration as the officer and agency which shall be in charge of administering any federal program which, by its nature, purpose and scope, is related to the functions herein assigned to the Administration. In this capacity, the Administrator shall execute and follow up any necessary agreement or pact to enable the Commonwealth of Puerto Rico to receive all the federal funds and benefits to carry out said programs as well as to execute and follow up agreements and pacts with the corresponding government agencies of the federal states and of the federal government, duly authorized to do so, with respect to data exchange on programs, studies and research related to whatever programs are effectuated; provided said agreements or pacts are within the scope of his functions and of the laws of the Commonwealth of Puerto Rico.

(v) To obtain, by means of contracts, the services of technical, professional or highly expert personnel, or of any other nature, which may be necessary for the Administration programs, including personnel from other departments or agencies of the Commonwealth government or of its instrumentalities or public corporations or of the municipalities and of the Administration itself, outside their regular working day, without being subject to Section 177 of the Political Code and with the authorization of the nominating power of the government agency where the service is rendered. Provided, That in order to be able to contract personnel from other government departments, agencies and instrumentalities or public corporations, as well as from the municipalities, the following circumstance must be present: the Administrator shall take steps to obtain said personnel outside the government agencies and instrumentalities and municipalities and must determine that said personnel is not available either because it does not accept or because it does not meet the requirements to carry out the functions.

With relation to the contracting of the Administration's own personnel, it shall proceed solely when the steps taken by the Administrator or authorized officer show: (1) that it has been impossible to contract personnel from other departments, agencies, instrumentalities and public corporations and the municipalities and (2) that unless its own personnel is contracted, the programs and service of the Administration shall be negatively affected.

The Administrator shall keep a record showing the steps taken to obtain the personnel and the reasons why it has not been obtained outside the programs of the departments, agencies, instrumentalities, public corporations and municipalities.

(w) To contract, for the purpose of rendering professional services in the Administration institutions, physicians and psychologists, whether United States citizens or foreigners.

Provided, That in order to contract foreign physicians not having permanent license to practice medicine in Puerto Rico compliance must be had with the requirements of Act No. 96 of June 29, 1963.

(x) To carry out all convenient or necessary acts to effectively achieve the goals underlying the public policy contained in this act.

(y) To send to the Governor and to the Legislative Assembly of Puerto Rico an annual report on the activities of the Administration in conformance with the standards established for that purpose.

(z) [Repealed. Act Aug. 6, 1991, No. 47, § 28, eff. 30 days after Aug. 6, 1991.]

TITLE III. — CORRECTIONAL POPULATION EVALUATIONS

Section 7. — [Periodical evaluations, purpose] (4 L.P.R.A. § 1121)

All of the convicts for felonies shall be submitted to periodic evaluations for the purposes of:

(a) Knowing and analyzing their social, physical, emotional and mental state and their criminal backgrounds, and identifying their capabilities, interests, motivations, controls and limitations, for the purpose of classifying them and determining the plan of action to be taken in each case, in agreement with the individualized treatment and public safety principles framed within the purposes of this act.

(b) The periodical evaluations provided in this section shall be carried out in the manner established hereinbelow:

(1) Minimum custody inmates shall be reviewed every twelve (12) months.

(2) Medium custody inmates shall be reviewed every twelve (12) months.

(3) Maximum custody inmates shall be reviewed every six (6) months, after the first year of sentence under the maximum custody classification has been served.

The procedure to be followed shall be in accordance with the provisions established in subsection (c) of Section 5 of this Act.

(c) Carrying out these evaluations by the treatment staff or by those specialists that the Correctional Administration deems appropriate to contract or recruit in order to offer evaluation, consultation, and advisory services and treatment.

(d) Obtaining these services from other public or private agencies in the community, pursuant to the powers granted in subsection (o) of Section 5 of this act.

(e) Making these evaluations, at the request of the court or when the agency's treatment staff deems it appropriate, in the case of persons convicted for misdemeanors.

(f) Explaining to the member of the correctional population the purpose and the results of the evaluations performed, with the exception of such information which has been determined as confidential, through the regulations to such effect.

TITLE IV. — CORRECTIONAL OFFICER CORPS

Section 8. — [Responsibilities] (4 L.P.R.A. § 1126)

A corps composed of correctional officers is hereby created to be a part of the correctional staff that shall be in charge of the responsibility of the custody of the inmates, maintaining order and discipline in the correctional institutions, protecting persons and property, supervising and offering social guidance to the inmates, and also discharge any other functions assigned by the Administrator or officer [to] whom he/she delegates. They may also pursue the escaped convicts and those who are free against whom there is an arrest warrant issued by the Parole Board, and arrest them at any time and in any place, and for this, they may use the same means authorized for the police agents to execute an arrest.

The members of the Special Arrests Unit of the Corrections Administration created by this act shall be part of the Correctional Officers Corps. The officers attached to the Unit shall be engaged in the pursuit and capture of delinquents who have escaped from the various correctional and rehabilitation programs and institutions of the country and shall participate in the prevention of escapes, the implementation of contingency plans at internal and interagency levels, and in surveillance and searches, as escorts, and in disturbances and riots. They shall enjoy the same authority, privileges and benefits provided for the correctional officers.

The Administrator shall promulgate the necessary regulations to govern the functions of the persons who are members of the Correctional Officers Corps. Furthermore, he/she shall also establish a continuing education and training program which shall be mandatory for all Correctional Officers. Said training shall be provided at least every two (2) years.

Every member of the Correctional Officers Corps of the Corrections Administration that retires after twenty-five (25) years or more of honorable and meritorious service to the Corp, who has not been subject to disciplinary sanctions in the performance of duty, shall be given the badge as a symbol of said service. If the Corrections Officer dies in the line of duty, the number of the badge shall be retired from the Corps and shall not be assigned to any other Corrections Officer.

The Administrator shall authorize, within five (5) working days after the death in the line of duty of a member of the Correctional Officer Corps, chargeable to operating expenses of the Corrections Administration, a payment equal to two (2) months of his/her gross salary, to the surviving spouse, to his/her dependents if the Correctional Officer was not married, or to the father or mother of the Correctional Officer who was not married and had no dependents. This payment shall be destined to defray the expenses generated by the emergency caused by the unfortunate event, therefore, it shall be made within five (5) working days following the death of the member of the Corps. The granting of this benefit shall be apart from any other benefit or compensation to which the surviving spouse or dependents of the member of the Correctional Officers Corps, who died in the line of duty, would be entitled. This benefit shall be increased annually, according to the rise in the cost of living, as certified by the Planning Board.

The Police Superintendent, in coordination with the Secretary of Corrections and Rehabilitation and the Correctional Administrator, may authorize the members of the Correctional Officers Corps who retire for years of service and who, in turn, are authorized to

have and possess a firearm, to be exempted from the payment of the corresponding fees, to acquire their regulation weapon.

The Police Superintendent, the Corrections and Rehabilitation Secretary and the Corrections Administrator shall jointly approve the regulations needed to implement this act. The regulatory provisions shall include, among other aspects, the requirements that a Correctional Officer who retires for years of service, and is interested in acquiring his/her regulation weapon at its book value and is authorized to have and possess the firearm, exempted from the payment of the corresponding fees, pursuant to the provisions of Act No. 404 of September 11, 2000, as amended known as the "Puerto Rico Weapons Act", must be in good physical and mental condition upon his/her honorable retirement from public service, as well as when requesting the benefit recognized by this act, while he/she deserves said benefit.

TITLE V. — REGULATION OF PERSONNEL

Section 9. — [Personnel system] (4 L.P.R.A. § 1131)

The Administration shall establish an Individual Administrator, based on the merit principle. It shall include two employee categories: (1) career employees, and (2) free appointment and removal employees, or to be exact, confidential employees. In addition, the necessary classifications may be created to hire personnel in emergency situations or during short terms. The Secretary shall implement and manage the Personnel System by regulations which shall be submitted to the approval of the Central Labor Advisory and Human Resources Administration Office or its substituting agency. Correctional Officers shall be career employees, except for those appointed to the ranks of Lieutenant Colonel and Colonel, who shall be employees of free appointment and removal. The Secretary shall create a salary schedule to govern correctional officers positions.

Section 9-A. — The Uniform Rank System of the Correctional Officers Corps shall be as follows:

1. *Correctional Cadet* – Member of the Correctional Officers Corps who has not fulfilled the basic training requirement.
2. *Correctional Officer* – Member of the Correctional Officer Corps who satisfactorily passes the Correctional Cadet training established by the Secretary.
3. *Sergeant* – Correctional Officer who has been promoted to Sergeant for service merit or after passing the corresponding examinations and fulfilling the requirements established in the regulations promulgated by the Secretary.
4. *Second Lieutenant* – Sergeant who has been promoted to Second Lieutenant for service merit or after passing the corresponding examinations and fulfilling the requirements established in the regulations promulgated by the Secretary.
5. *First Lieutenant* – Second Lieutenant who has been promoted to First Lieutenant for merit in service or after passing the corresponding examinations and fulfilling the requirements established in the regulations promulgated by the Secretary.

6. *Captain* – First Lieutenant who has been promoted to Captain for service merit or after passing the corresponding examinations and fulfilling the requirements established in the regulations promulgated by the Secretary.

7. *Lieutenant Colonel* – Person appointed by confidential designation by the Secretary who shall be in charge of the supervision and immediate command of the Correctional Officers Corps in the absence of the Colonel, and who shall perform the duties that are assigned to him/her by the Colonel.

8. *Colonel* – Person appointed by confidential designation by the Secretary who shall be in charge of the supervision and immediate command of the Correctional Officers Corps.

(a) Rank promotions up to the rank of Captain, may be granted by service merit, acts of heroism or after passing an examination. Promotions for heroic acts shall be granted according to the regulations established by the Secretary and shall be restricted to objective circumstances that constitute sufficient cause to recognize the value or social usefulness of such act, according to the judgment of a prudent and reasonable person.

Promotions made due to the passing of an examination may be given when a vacancy arises. The requirements for competing for this position shall be provided through notices for employment. All examinations shall be offered within a term of not less than sixty (60) days or more than ninety (90) days, commencing on the date of the publication of the notice for employment. Once the Correctional Officer has passed the examination and fulfilled all the requirements necessary to be included in the register of eligible candidates, the promotion shall not be denied if the position and the fiscal resources to defray the budgetary effects of the promotion are available. When the number of candidates who have passed the examination and qualify for the promotion within the same rank is greater than the number of positions available, the order of promotion shall be established according to the register of eligible candidates, which shall be established pursuant to the regulations in effect.

To deny the promotion, any grievance or administrative investigation found in the record of the candidate shall be taken into account. Should any grievance or investigation arise after the examination, but before the promotion is formalized, no one shall be appointed to the corresponding rank until the case is resolved. If any candidate's promotion is denied for any reason, the Secretary shall inform him/her the reasons for the denial along with the notice denying the promotion. If the denial is based upon information received from any person during the investigation, under no circumstances shall the Secretary reveal the identity of such person.

The candidate aspiring to a promotion is affected by the previously described situation shall he/she have up to twenty (20) working days to respond the reasons for the denial. The Secretary, upon receiving the reply shall have an equal term to revoke or reaffirm the denial. If no written reply from the Secretary is produced within the established term, it shall be construed as a reaffirmation of the denial of the promotion request. During the processing of the notification, reply and reaffirmation or revocation, the position or rank to which the candidate aspires shall not be filled. Once the process is completed, the decision of the Secretary shall be final and binding. It is further provided, that all grievances filed shall be peremptorily resolved within ten (10) days, as of the date of request of the promotion. When the number of candidates, who pass the examination and qualify for a promotion within the same rank, is greater than the number of positions available, the order of the promotions shall

be established according to the registry of eligible candidates to be established pursuant to the regulations in effect.

(b) Members of the Correctional Officers Corps promoted by service merit shall fulfill the following requirements:

1. For the Sergeant position, the aspiring candidate shall have served as Correctional Officer for a minimum of five (5) years prior to the date of the promotion.
2. For the Second Lieutenant position, the aspiring candidate shall have served as Sergeant for a minimum of three (3) years prior to the date of the promotion.
3. For the First Lieutenant position, the aspiring candidate shall have served as Second Lieutenant for a minimum of three (3) years prior to the date of the promotion.
4. For the Captain position, the aspiring candidate shall have served as First Lieutenant for a minimum of five (5) years prior to the date of the promotion.

(c) In addition to the previously established requirements to qualify for a promotion, and any other requirement that the Secretary may establish by regulations, correctional officers must comply with the following:

1. They shall not be subject to any administrative or criminal investigations;
2. They shall not have violated any provision of Act No. 12 of July 24, 1985, as amended, known as the “Ethics in Government Act of the Commonwealth of Puerto Rico,” during the five (5) years preceding the date of the promotion; and
3. They shall not have been convicted of a felony or misdemeanor that implies moral depravity.

(d) The positions held by members of the Correctional Officers Corps promoted for service merit or acts of heroism shall be promoted to the new rank by automatic conversion. If said positions are subsequently vacated, such positions shall automatically return to the original rank.

(e) The following equivalencies for the existing Corrections Administration positions are hereby established as a transitory measure until the new Classification and Compensation Plan is approved:

1. Correctional Officer I – Shall hold the rank of Correctional Officer.
2. Correctional Officer II – Shall hold the rank of Sergeant.
3. Correctional Officer III – Shall hold the rank of Second Lieutenant.
4. Correctional Officer IV – Shall hold the rank of First Lieutenant.
5. Correctional Officer V – Shall hold the rank of Captain.

The Secretary is hereby authorized to continue to use the Classification and Compensation Plan in effect, pursuant to the equivalencies stated above, until the new Classification and Compensation Plan is adopted, which shall be approved by the Central Labor Advisory and Human Resources Administration Office, prior to its implementation.

TITLE VI. — PERMITS TO MEMBERS OF THE CORRECTIONAL POPULATION TO LEAVE THE INSTITUTIONS

Section 10. — [Eligibility; evaluation by Administrator] (4 L.P.R.A. § 1136)

The Administrator is hereby authorized to grant permits to the member of the correctional population to leave correctional institutions or the public or private treatment centers where

they are receiving treatment in every case that it is determined that the granting of said permit is a necessary and convenient measure for the rehabilitation of the member of the correctional population through his/her progressive readjustment in the community.

In every case, it shall be understood that the granting of permits is not a right, but a means of treatment which can be discretionally used by the Corrections Administrator.

The Corrections Administrator is empowered to suspend the permit of an member of the correctional population when through the study and evaluation performed it is determined that it is not having the rehabilitating effect sought or when the safety of said member of the correctional population or that of the community is considered to be threatened by his/her presence.

Those member of the correctional population, who meet the requirements established in the Regulations on Permit for [Members of the Corrections Population] to Leave the Correctional Institutions, shall be eligible for the consideration of said permits. The member of the correctional population who, according to the evaluation made by the Administrator or the officials designated by him/her on the conduct and physical, emotional, and moral condition, are determined not to constitute a threat or danger to their safety or that of the community shall qualify for the granting of such permits.

In those cases in which, because of special circumstances, the Administrator deems that it is necessary to provide custody for the member of the correctional population, he/she shall adopt the necessary measures to provide such protection.

The Administrator shall establish, by regulations, the eligibility requirements, the means of verifying the departure and return to the institution, the duration of the permit and any other condition to guarantee the adequate use of the permit, according to the rehabilitating factors prevailing in each case, as well as the pertinent procedure for the granting of subsequent permits.

Any member of the correctional population who fails to return to the correctional institution or public or private treatment center where he/she is confined, or who returns after the hour indicated in the permit that was granted, shall be evaluated as provided below:

(1) Should the inmate fail to return he/she shall incur the crime of flight to which shall apply the provisions of Section 281 of the Penal Code of the Commonwealth of Puerto Rico.

(2) If the return takes place within forty-eight (48) hours after the expiration of the permit, the situation shall be evaluated by the Administrator or the designated officials, for the purposes of determining whether there were justified reasons for the delay or if not, it is pertinent to prosecute the person in question for the crime of prison breach, as provided in subsection (1) of this section. During the 48-hour period that the member of the correctional population does not report back, he/she shall be deemed to be a fugitive of justice.

The time elapsed between the expiration date of the permit and the date of return to the Correctional System or to the institution, facility or private center, shall not be accredited as time served of his/her sentence, unless it was for justified reasons, as determined by the Administrator.

The violation of any type of permit granted to the Corrections Administration member of the correctional population shall be governed by the Regulations adopted on this matter.

Permits granted to the member of the correctional population pursuant to the powers conferred in Section 5(b) of this Act, for them to reside in their homes or in the community as part of a rehabilitation program through work, study, treatment or other means, shall be governed by the provisions of this section and by those other provisions adopted by the Administration through regulations, addressed to achieve the purposes of the program and to protect the security of the community.

The permits granted to member of the correctional population residing in half-way houses shall be subject to the regulatory provisions of Section 32 of Title X of this act, which shall conform to what is established in this section, for them to reside in their homes.

Section 10-A. — Ineligibility to Diversion Programs. (4 L.P.R.A. § 1136a)

The following persons shall not be eligible to participate in the diversion or treatment and rehabilitation programs established by the Administration in accordance with the powers conferred by this act, nor in the Halfway House Programs:

(a) Any convict who is serving a sentence for the following crimes:

(1) Murder, rape, incest, sodomy or lascivious acts when the victim is under fourteen (14) years of age.

(2) Violations of Act No. 4 of June 23, 1971, as amended, known as the "Puerto Rico Controlled Substances Act", except for violations of Section 404 of said Act.

(3) Violations of Act No. 134 of June 28, 1969, as amended, known as the "Puerto Rico Explosives Act".

(b) Any person convicted for having committed a felony other than those included in subsection (a) of this section, until he/she has served at least twenty percent (20%) of the sentence of imprisonment in a penal institution, excluding any type of reduction and the Corrections Administrator determines this person is not a threat to the community.

(c) Any person convicted of a felony about whom a determination of aggravated recidivism or habitual recidivism has been made according to the provisions of Act No. 115 of July 22, 1974, known as the "Penal Code of the Commonwealth of Puerto Rico."

(d) Any person convicted who has not satisfied the special penalty provided by Section 49-C of Act No. 115 of July 22, 1974, as amended, or its equivalent, Section 67 of the new Penal Code of the Commonwealth of Puerto Rico.

(e) Any person convicted of a felony or attempted felony committed with a firearm.

(f) Any person sentenced to the penalty of imprisonment under the new Penal Code of 2004, for a felony in all its degrees, or recidivism in all its degrees.

Inmates under the custody of the Administration with health problems and a prognosis of a short life expectancy and limiting physiological conditions may be excluded from the application of the provisions of this section. For this exclusion to apply, the Corrections Health Program must issue a recommendation to such effect accompanied by a medical certificate stating the prognosis of the inmate's life expectancy. Furthermore, the inmates shall not constitute a danger to the community.

None of the provisions of this section impairs the duty of the Corrections Administration to provide treatment and rehabilitation pursuant to the provisions of this Act and the Constitutional Rehabilitation Mandate Act.

Section 10-B. — Violations of the rules of the program; penalties. (4 L.P.R.A. § 1136b)

When a participant in a transition or treatment and rehabilitation program established by the Administration, including Half-way House Programs, violates the norms and conditions of the program, he/she shall be reconfined immediately in a correctional institution and steps shall be taken to revoke the benefit. Once the determination for revocation is final and binding, the period of time during which the member of the correctional population participated in the transition or treatment and rehabilitation program, including the Half-way House Program, shall not be accredited as time served of the sentence.

TITLE VII. — TRANSFER OF FUNCTIONS

Section 11. — [Transfer of programs and functions] (4 L.P.R.A. § 1141)

All correctional programs which at the time this act takes effect are under the jurisdiction and administration of the Justice Department are hereby transferred to the Administration.

The functions, powers and duties imposed by Act No. 60 of May 30, 1973 on the Secretary of Justice, in relation to the treatment and rehabilitation of addicted and alcohol convicts are transferred to the Administrator, except those obligations imposed on the Secretary of Justice by Section 13(a) of said Act.

With regard to the treatment and rehabilitation of the Administration's inmates in institutions under the jurisdiction of the Administration of Mental Health and Addiction Services, the Administrator shall follow the same procedure established under Act No. 60 of May 30, 1973 as amended, know as the "Mental Health and Addiction Services Administration Act" and in the regulations promulgated by both the Correctional Administration and said Department.

Section 12. — [Probation; program] (4 L.P.R.A. § 1142)

In connection with the probation program, the Governor shall appoint an officer who together with the one appointed by the Chief Justice of the Supreme Court and the Correctional Administrator shall make the following determinations:

- (a) To recommend the time when, by virtue of an Executive Order of the Governor, the probation program personnel, at present operating in the Judicial Branch, shall be transferred to the Administration.
- (b) To determine the facilities, property, records and other material that should be transferred to the Correctional Administration as necessary to structure the probation program phase assigned to him by law.
- (c) To make any other decision to insure the normal development of the probation programs as restructured by law.

Section 13. — [Additional transfers; standards; personnel] (4 L.P.R.A. § 1143)

In connection with the probation program, the Governor shall appoint an officer who together with the one appointed by the Chief Justice of the Supreme Court and the Correctional Administrator shall make the following determinations:

- (a) To recommend the time when, by virtue of an Executive Order of the Governor, the probation program personnel, at present operating in the Judicial Branch, shall be transferred to the Administration.
- (b) To determine the facilities, property, records and other material that should be transferred to the Correctional Administration as necessary to structure the probation program phase assigned to him by law.
- (c) To make any other decision to insure the normal development of the probation programs as restructured by law.

Section 14. — [Adoption of transitory measures] (4 L.P.R.A. § 1144)

The Governor shall have power to adopt such transitory measures and make such decisions as are necessary to carry out the transfer ordered by this act without affecting the normal programming of the functions transferred.

The Secretary of Justice, or the person he delegates, together with the officer designated by the Governor, shall make the determinations as to what personnel of the programs transferred shall be retained by the Department of Justice, on the ground that their administrative work also embraces other services or programs of the Department of Justice.

Section 15. — [Transfer by executive order] (4 L.P.R.A. § 1145)

The Governor is authorized to transfer gradually to the Administration, by Executive Order, the functions and programs which are closely connected with those assigned herein to the Administration. The Governor shall send a copy of these executive orders to the Legislative Assembly of Puerto Rico in the regular or special session closest to the time the orders are issued.

TITLE VIII. — CREDIT FOR GOOD CONDUCT, WORK AND STUDY

Section 16. — [Reduction in term of sentence system] (4 L.P.R.A. § 1161)

Any person sentenced before the effective date of the new Penal Code of the Commonwealth of Puerto Rico to a term of imprisonment in any institution, or who is enjoying a furlough granted pursuant to the provisions of this act or who is confined in any government or private entity as part of a rehabilitation program or is on parole, who observes good conduct and assiduity, shall be entitled to the following reductions in the term of his/her sentence to be computed from the date of his/her confinement in the institution in question or from the moment he/she is granted parole:

- (a) For a sentence that does not exceed fifteen (15) years, twelve (12) days in each month,
or

(b) for a sentence of fifteen (15) years or more, thirteen (13) days for each month.

This reduction shall be made by the natural month and if the sentence contains a fraction of a month, either at the beginning or at the end of the sentence, he/she shall be accredited two (2) days for every five (5) days or part thereof, contained in said fraction.

The reduction for good conduct and assiduity may be made for the time that any person accused of committing any public offense has been deprived of his/her freedom if he/she is sentenced for the same deeds for which he/she has suffered said deprivation of freedom. Those convictions that entail the penalty of imprisonment for ninety-nine (99) years and those that have given rise to a determination of aggravated recidivism or habitual recidivism pursuant to subsections (b) and (c) of Section 62 of Act 115 of July 22, 1974, as amended, known as the “Penal Code of the Commonwealth of Puerto Rico”, as well as those convictions imposed for lack of payment of a fine or that must be served in calendar years or those convictions for felony or attempted felony that have been committed with a firearm, are excluded from the credits provided in this section.

Any conviction that entails a penalty of imprisonment of ninety-nine (99) years, or any conviction that leads to a determination of aggravated recidivism or habitual recidivism pursuant to subsections (b) and (c) of Section 62 of Act 115 of July 22, 1974, as amended, known as the "Penal Code of the Commonwealth of Puerto Rico" or any conviction imposed in absence of payment of a fine or any conviction that must be served in calendar years, shall be excluded from the credits established in this Section. Any person sentenced to a penalty of imprisonment under the new Penal Code of 2004, is also excluded from the credits provided in this Section.

Provided, that any inmate sentenced to serve a prison term of ninety-nine (99) years before July 20, 1989, including any inmates whose conviction has given rise to a determination of aggravated recidivism or habitual recidivism, under the repealed Penal Code, shall be credited as set forth in subsection (c) of this Section, in computing the maximum and the minimum term of their sentence.

Section 17. — [Credit for work, study or service] (4 L.P.R.A. § 1162)

To any person sentenced for acts committed prior to the effective date of the new Penal Code of the Commonwealth of Puerto Rico to a term of imprisonment, in addition to the credits authorized in the preceding Section, the Corrections Administrator may grant credits at the rate of not more than five (5) days for each month in which the inmate is employed at some industry or is following studies as part of an institutional plan, be it in the free community or at the penal establishment where he/she is serving his/her sentence and is rendering services at the penal institution during the first year of imprisonment. Credit of up to seven (7) days per month may be granted for each subsequent year.

If the work or service rendered by the inmates is of an agricultural nature, the Correctional Administrator shall grant monthly credits up to a total of not more than seven (7) days during his first year of confinement, and up to a total of not more than ten (10) days a month during the periods of confinement subsequent to the first year.

The abovementioned credit may be granted during the time any person accused of any public offense shall have been deprived of his freedom, if sentenced for the same acts for

which he may have been deprived of his freedom, subject to the provisions of the preceding paragraphs.

The credits provided may also be granted for exceptionally meritorious services or in the discharge of highly important duties in connection with institutional functions.

In the case of persons sentenced to terms of imprisonment for crimes committed under the new Penal Code of 2004, the Corrections Administrator may grant credits at the rate of one day per month in which the inmate is employed or is following studies or rendering services at the penal institution or for exceptionally meritorious or highly important services.

Provided, that any inmate sentenced to serve a prison term of ninety-nine (99) years before July 20, 1989, including any inmate whose conviction has given rise to a determination of aggravated recidivism or habitual recidivism, both situations pursuant to the repealed Penal Code, shall be credited in accordance with the provisions of this Section.

Section 18. — [Punishment for bad conduct] (4 L.P.R.A. § 1163)

Any bad conduct shall be punished by reducing or cancelling the credits for good conduct, and if it is repetitive or of a serious nature, the person shall be submitted to a greater reduction, or the partial or total cancellation of credits.

No later than one hundred twenty (120) days from the effective date of this Act, the Administrator shall adopt regulations for the granting, enjoyment, reduction and cancellation of the credits provided in Section 16, which shall establish the following, among others:

- (a) The inmate's behavior that constitutes good conduct, whose continued observance or assiduity shall lead to the granting and enjoyment of these credits;
- (b) those acts perpetrated by the inmate that constitute bad conduct, classified as to how serious and grave the acts are and the sanction that they entail, which will include admonishing, reduction or partial or total cancellation of the credits;
- (c) the inmate's conduct evaluation system that leads to granting, enjoyment, suspension, reduction and cancellation of the credits;
- (d) the sanctions that will be imposed for repeated bad conduct, and
- (e) the procedure to be used for the granting, enjoyment, suspension, reduction and cancellation of credits, that guarantees due process of law, and to orient the inmates on the scope of the credit system

Section 19. — [Credits in municipal jails] (4 L.P.R.A. § 1164)

Those serving sentences in municipal jails, who accept the work assigned to them, within or outside the jail, and who at the same time observe good conduct, shall be entitled to a credit in their sentence of one day for each five (5) or fraction of over two (2) days.

Section 20. — [Regulation of credits] (4 L.P.R.A. § 1165)

The Administrator is hereby authorized to adopt regulations regarding the granting, cancellation and restitution of credits for good conduct, work and studies or for exceptionally meritorious or highly important services according to this act and the norms provided in the new Penal Code of the Commonwealth of Puerto Rico.

In order to, be eligible for the benefits of credits for good conduct, work and study, the convict must have satisfied the special penalty established in Section 49-C of Act No. 115 of July 22, 1974.

TITLE IX. — COMPENSATION TO MEMBERS OF THE CORRECTIONAL POPULATION FOR WORK ACCIDENTS

Section 21. — [Application of Workmen's Accident Compensation Law to members of the correctional population. (4 L.P.R.A. § 1181)]

The provisions of Act No. 45 of April 18, 1935, as amended, known as the “Work Accident Compensation Act”, are hereby extended to occupational accidents and diseases which, pursuant to said sections, are compensable and are sustained by the employed member of the correctional populations, as authorized by this act.

Likewise, the Work Accident Compensation Act, shall cover all the members of the correctional population, assigned to work or projects carried out under the Administration of the Work and Training Enterprises Corporation (C.E.A.T., Spanish acronym.)

The entity using the member of the correctional population shall prepare the accident report in duplicate within the term provided by law and shall remit a copy to the Administrator. In case of injuries requiring any type of specialized treatment, which cannot be offered conveniently at the institution, the Administrator shall authorize the confinement of the injured person in a hospital designated by the Administrator of the State Insurance Fund, or in the one elected by mutual agreement between the Administrator of the State Insurance Fund.

The responsibility of the custody of the member of the correctional population while he/she receives treatment shall correspond to the Administration.

No compensation for temporary disability (per diems) shall be paid to the member of the correctional population during the time he/she is in prison. These per diems may only be received by those who are released before their disability has ceased and while they are discharged. Payments for compensation for permanent, partial, or total disability shall be made in behalf of the member of the correctional population, but shall be remitted for the corresponding legal purposes to the Administrator, during imprisonment.

Section 22. — [Services of members of the correctional population; salary base] (4 L.P.R.A. § 1182)

The entities that use the services of the members of the correctional population shall be bound to include them in their payroll, for the purposes of this act, on the basis of the wages received, which for the purposes of the payroll report to be rendered annually to the Administrator of the State Insurance Fund, shall not be less than eight dollars a week or what is otherwise established in the future by the Administrator of the State Insurance Fund by legal authority. It shall be the obligation of these entities to annually include in their expense budget, sufficient funds to defray the payment of the corresponding premiums for the use of members of the correctional population.

Section 23. — [Detailed record of accidents; legal representation] (4 L.P.R.A. § 1183)

The Administrator shall keep a detailed record of the occupational accidents and diseases suffered by the members of the correctional population while engaged in the activities provided in this act and of their claims. He/she shall also take steps to obtain the designation of a legal representative to represent the member of the correctional population in any procedure or appearance that may be necessary, before the Administrator of the State Insurance Fund, the Industrial Commission or the courts, that are connected with the claim to which the member of the correctional population may be entitled under the provisions of the "Work Accidents Compensation Act". The term to appeal the decisions of the Administrator of the State Insurance Fund, or the orders of the Industrial Commission, shall begin to be counted from the date of notice to the injured person, through the Administration.

Section 24. — [Member of the correctional population killed in labor accident; determination of beneficiaries] (4 L.P.R.A. § 1184)

To determine who the beneficiaries of a deceased member of the correctional population as a result of a labor accident shall be, the same standards that apply for the cases of other workmen or employees shall be used. In the absence of persons who, as a matter of fact, depend of the member of the correctional population at the time of his/her death, there shall be considered as dependents such relatives that depended on the deceased before he/she began to serve his/her sentence, if they qualify on the other counts and are needy persons. In the absence thereof, such other persons who although they never had depended on the deceased inmate, are indigent on the moment of his/her death, shall be entitled.

Section 25. — [Application of Workmen's Accident Compensation Law] (4 L.P.R.A. § 1185)

The Manager of the State Insurance Fund is hereby authorized to promulgate the necessary regulations to carry out the purposes of this act in whatever concerns the application of the "Workmen's Accident Compensation Act" [11 L.P.R.A. et seq.]

Section 26. — [Administration's own procedure] (4 L.P.R.A. § 1186)

The Administrator is authorized to promulgate the necessary regulations to structure the provisions of this act in whatever concerns the Administration's own procedure.

TITLE X. — HALFWAY HOUSES

Section 27. — [Purposes of halfway houses] (4 L.P.R.A. § 1201)

The Administrator shall establish halfway houses (hereinafter "houses") where members of the correctional population may be transferred to enable their return to the free community pursuant to the provisions of Section 10-A of this Act.

The members of the correctional population shall reside in said houses to expedite the development of special programs in the free community such as vocational and occupational counseling, psychological services, counseling on family problems, counseling prior to release, job interviews and job placement through the latter, after having served their sentence or being released on parole, in applicable cases, and any other rehabilitation programs.

The design of the facilities of these houses that are needed to offer such services shall be undertaken with the advice of the Mental Health and Addiction Services Administration, attached to the Department of Health to guarantee that even though the necessary security measures are maintained, the prevailing environment shall be propitious for their psychosocial health thus enabling the rehabilitation of the client.

Section 28. — [Transfer of convicts] (4 L.P.R.A. § 1202)

The Administrator may order the transfer of the inmate to the Halfway House after taking into account the presentencing report, if any, the social background, psychological diagnosis, reports on social interviews, evidence of good conduct, or any other pertinent evidence.

Section 29. — [Contribution by resident members of the correctional] (4 L.P.R.A. § 1203)

The members of the correctional population residing in the homes shall contribute a certain amount of money on an individual basis, pursuant to the regulations approved by the Administrator. The funds obtained from said contributions shall be covered into a special fund, which is hereby created and designated "Half-way House Development Fund." The money available in the fund created by Section 7 of Act No. 8 of April 17, 1970 shall also be deposited in this fund.

The money covered into the Special Fund created in this section shall be deposited in the Commonwealth Treasury.

The financial resources of the Fund created in this section shall be used for the Development of the Half-way Houses Program, the individual and collective benefit of the members of the correctional population themselves, as provided by the Half-way Houses Regulations.

Section 30. — [Donations received; special fund] (4 L.P.R.A. § 1204)

The Administrator is authorized to accept, in the name of the government of the Commonwealth of Puerto Rico, donations for the purpose of carrying out the programs of houses. In such cases where the donation is made in money, the amount received shall be deposited in the special fund established in Section 29 of this act to be used for the purposes provided in the donation.

Section 31. — [Failure to return to institution] (4 L.P.R.A. § 1205)

Any inmate who fails to return to the institution or returns after the hour indicated in on the permit granted, shall be subject to the provisions of Section 10 of Title VI of this Act.

Section 32. — [Regulations for administration of Houses] (4 L.P.R.A. § 1206)

The Administrator shall adopt regulations for the administration of the houses, including the procedure for the transfer from the institution to the halfway houses, as well as the recommitment of any member of the correctional population to another institution and all other aspects related to the rehabilitation programs, which are developed through these houses.

TITLE XI. — INSTITUTION SHOPS

Section 33. — [Operation of stores] (4 L.P.R.A. § 1223)

The Administration is hereby authorized to establish and operate stores in correctional institutions and facilities to enable the sale of products and goods to the members of the correctional population. The operation of these stores shall be made, subject to the regulations that are approved to rule the availability of goods and products, accountability of funds and supervision of these activities and to guarantee security in the institutions.

The stores to be established in the institutional facilities of the Administration shall only sell goods or products authorized through the regulations approved by the Administrator, together with the Secretary of Corrections and Rehabilitation, as provided by Act No. 170 of August 12, 1988 as amended, known as the "Commonwealth of Puerto Rico Uniform Administrative Procedures Act". Sales to the members of the corrections population shall constitute a privilege that may be temporarily or permanently suspended for just cause. These regulations shall only apply to the members of the corrections population, and sales to resident employees may be authorized when certain circumstances of their work justify it. Sales to the members of the corrections population shall be charged to the money each one has deposited in their account established in the Special Fund of the Commonwealth Treasury created by this act.

The Administration may operate the stores it establishes as provided in this section, directly or through a concession or other agreement with government agencies, corporations or public instrumentalities, municipalities or profit or nonprofit persons or entities. Every concession or agreement executed pursuant to the provisions of this section shall be preceded by a feasibility and convenience study of this delegation and of the term of said concessions, contracts or agreements, and shall be carried out pursuant to the bidding procedure, subject to periodic evaluations and to the authority of the Administration to continue or terminate these contracts, in order to guarantee the compliance of the conditions imposed, thus guaranteeing the optimum administration of these stores.

The Administration shall provide, to the extent possible, the spaces needed for the operation of these stores in institutional facilities, whether free of charge or through a reasonable rental rate.

The moneys obtained from the operation of the stores shall be accounted separately from any other funds of the Administration.

The Administrator, together with the Secretary of Corrections and Rehabilitation shall review the procedures regarding the administration of the stores annually and shall set forth any rule deemed necessary to optimize the use thereof by the members of the corrections population.

Section 34. — [Special funds] (4 L.P.R.A. § 1224)

The moneys obtained from the establishing of the stores shall be covered into a Special Fund denominated as the "Corrections Administration Stores Fund", created in the Department of the Treasury. These sums as well as any other resource deposited in this Special Fund, shall be used to defray the operating expenses of the stores and programs of the Administration, and for the individual or collective benefit of the members of the corrections population themselves, as provided by regulations.

The Administration may also use the resources of said Fund to reimburse, in whole or in part, the expenses incurred by the Administration or the Government of Puerto Rico, for violations of the laws, rules and regulations committed by the members of the corrections population that are applicable to them, during the custody or confinement period.

The Administrator may accept and receive [on] behalf of the Government of Puerto Rico, any goods and products donated free of charge, to be used in the operation of the stores. This includes promotional goods and products for purchase which shall be accountable and accepted pursuant to the established norms. The debts and obligations of privatized stores shall not constitute debts or obligations of the Government of Puerto Rico.

Sections 35 - 39. — Repealed. [Act No. 47 of August 6, 1991] (4 L.P.R.A. § 1216 - 1222)

TITLE XII. — BANK ACCOUNTS; MONEYS OF THE CORRECTIONAL POPULATION

Section 40. — [Bank accounts of members of the correctional population] (4 L.P.R.A. § 1231)

The creation of bank accounts in the name of each of the institutions of the Administration, is hereby authorized, into which there shall be deposited:

- (a) All moneys and securities received from the members of the correctional population upon their commitment to the institution.
- (b) All moneys and securities received from the members of the correctional population from their relatives or other persons, while the member of the correctional population is in the institution.
- (c) Any compensation earned by the members of the correctional population for services rendered to any entity.

(d) Any income for any other account which is received in the institutions for the members of the correctional population.

Section 41. — [Collection officer, appointment] (4 L.P.R.A. § 1232)

The Secretary of the Treasury, in consultation with the Administrator, shall appoint in each institution a Collection Officer, who shall be in charge of receiving, protecting and depositing these moneys, securities and income in the bank account.

Section 42. — [Special pay officer, appointment] (4 L.P.R.A. § 1233)

The Secretary of the Treasury, in consultation with the Administrator, shall appoint in each institution a Special Pay Officer, who shall be in charge of making the disbursements against the bank account.

Section 43. — [Inmates special money deposit] (4 L.P.R.A. § 1234)

The Secretary of Justice shall transfer, to the corresponding bank accounts established, all balances appearing in his account books of "Inmates Special Money Deposit", corresponding to the income of those inmates who, at the time this act goes into effect, are confined. The amounts remaining in the accounts "Inmates Special Money Deposit" shall be withheld by the Secretary of the Treasury to continue its liquidation pursuant to Sections 1 and 2 of Act No. 409 of May 13, 1947, as amended.

Section 44. — [Bank account balances] (4 L.P.R.A. § 1235)

After the effectiveness of this Act, all the balances belonging to members of the correctional population who have been released and whose whereabouts are unknown, that remain in the bank accounts of the institutions for three (3) years or more after the release of the members of the correctional population without having the corresponding refund made to them, shall be transferred to a special deposit account in the books of the Secretary of the Treasury. The liquidation of said special deposit account shall be made pursuant to Sections 1 and 2 of Act No. 409 of May 13, 1947, as amended.

Section 45. — [Regulation of funds deposited in bank accounts] (4 L.P.R.A. § 1236)

The Secretary of the Treasury, in consultation with the Administrator, shall promulgate the regulations necessary for the receipt, deposit and disbursement of the funds deposited in the bank accounts created herein and to establish the internal control measures and the accounting of operations.

TITLE XIII. — CONVICTS OF OTHER JURISDICTIONS

Section 46. — [Imprisonment of persons convicted of offenses against the laws of the United States] (4 L.P.R.A. § 1245)

The Administrator shall receive and commit to the institution of the Administration he may determine, pursuant to the terms of the mittimus or warrant of commitment, which has been issued by the competent authority and shall take custody with full security until their release pursuant to the proper course of law, of all the persons accused or convicted heretofore or hereinafter of an offense against the laws of the United States of America.

The Administrator shall be responsible if he fails to receive and commit with full security the persons heretofore or hereinafter convicted, who are delivered under the authority of the United States of America and shall be liable for the punishments and penalties fixed for similar faults in cases of persons confined under the authority of the People of Puerto Rico.

Section 46-A. — [Agreements for receiving, confining and expenses for support and care of persons arrested] (4 L.P.R.A. § 1245a)

The Administrator is authorized to execute with the Attorney General of the United States or his representative, such agreements, pacts or contracts as are necessary to govern everything concerning receiving, confinement and expenses for the support and care of persons arrested for investigation under the federal naturalization and immigration laws.

Section 47. — [Native persons imprisoned in federal or state institutions] (4 L.P.R.A. § 1246)

The Administrator is hereby authorized to accept and confine in the institutions of the Administration, insofar as the powers and economic means of the Government of the Commonwealth of Puerto Rico allow, those persons born in Puerto Rico who are convicted and are serving sentences in a federal correctional institution or that of any of the states of the United States of America, the District of Columbia, and the Virgin Islands, so that these convicts may finish serving their sentence term in the institutions in Puerto Rico.

Section 48. — [Transferred convicts, expenses] (4 L.P.R.A. § 1247)

The Administrator is authorized to execute with the federal authorities or with the authorities of any of the states of the Union, the District of Columbia and the Virgin Islands, such agreements, such pacts or contracts as are necessary to govern everything concerning the expenses defrayed for the support and care of the convicts transferred and their transportation, custody and supervision from the remitting state to the Commonwealth of Puerto Rico. Any income received on this account shall be deposited in the General Fund.

Section 49. — [Regulations to formulate agreements adopted by pact] (4 L.P.R.A. § 1248)

In the exercise of the powers granted by Act No. 40 of June 12, 1957, the Governor of Puerto Rico may commission the Administrator to promulgate the rules and regulations necessary to formulate the agreements adopted, or which might be adopted, by virtue of any pact executed or which may be executed, pursuant to said sections.

Parolees or probationers who are sent to Puerto Rico under the terms of any pact executed, or which may be executed, under the provisions of Act No. 40 of June 12, 1957, shall be governed, in addition to the provisions contained in the pact, by the same standards with respect to the functions of the Administration, applicable to parolees and probationers residing in Puerto Rico.

Section 49-A. — [Transportation Office] (4 L.P.R.A. § 1249)

(a) *Redefinition of the Office.* - The functions of the Corrections Administration Transportation Office of members of the correctional population, is hereby defined. The office may acquire, gratuitously or by purchase, the equipment, goods, and services of Act No. 164 of July 28, 1974, as amended, known as the "General Services Administration Organic Act".

Section 49-B. — Functions and duties of the Office. (4 L.P.R.A. § 1249)

The Office shall have the following functions and duties:

- (A) [The] custody of the members of the correctional population of the Corrections Administration.
- (B) Protect the members of the correctional population of the Corrections Administration and the property.
- (C) Transport those persons on whom an arrest warrant is issued by the Parole Board.
- (D) Transport the members of the correctional population from the institutions to the courts to respond to a summons issued by a court. When arriving at the courts, they shall turn over custody of the members of the correctional population to the marshals of the General Court of Justice.
- (E) Transport those persons for whom cause is determined and their detention has been ordered from the court to the correctional institution.
- (F) Transport every person convicted to be confined by an order issued by a competent court from the court to the correctional institution.
- (G) Transport those members of the correctional population who must meet appointments as part of the rehabilitation programs, through work, study, or treatment.
- (H) Transport the members of the correctional population to medical evaluations and hospitals.
- (I) Perform such other functions needed to implement this section.
- (J) Adopt those regulations needed to carry out the functions of the Office.
- (K) Perform any other functions needed to execute the purposes of this section.

Section 49-C. — Functions and duties of the Director. (4 L.P.R.A. § 1249)

The Office shall be directed by a director, who shall be appointed by the Administrator and shall be subject to his/her authority and supervision. The appointment shall be subject to the approval of the Secretary of the Department of Corrections and Rehabilitation. Its functions and duties shall be:

- (A) To administer and supervise the operations of the Office, including its personnel.
- (B) To prepare reports for the Correctional Administration on the work performed by the Office.
- (C) To prepare the Office's annual budget and submit it to the Secretary of the Department through the Correctional Administrator for his/her approval.
- (C) To prepare the Office's annual budget and submit it to the Secretary of the Department through the Correctional Administrator for his/her approval.
- (D) Any other function needed to carry out the purposes of this section.

Section 49-D. — (4 L.P.R.A. § 1249)

The members of the correctional population of the Corrections Administration shall be in custody of the members of the Correctional Officers Corps.

Section 49-E. — Transfer of resources. (4 L.P.R.A. § 1249)

All the resources, records, equipment and property being used or assigned with regard to the functions, faculties and duties and that are hereby gradually assigned, are transferred in the most convenient and speedy manner to the Correctional Administration Transportation Office, ascertaining that the rendering of services is not interrupted.

TITLE XIV. — INSTITUTIONAL STANDARDS

Section 50. — [Rights of members of the correctional population; women members of the correctional population; minors] (4 L.P.R.A. § 1255)

The Administrator shall see to the faithful compliance of the following standards, in addition to the standards, rules and regulations it promulgates:

- (a) The member of the correctional population shall receive a respectful and humanitarian treatment with a view to propitiate his/her rehabilitation and to expedite his/her return to the free community as a useful and reliable citizen.
- (b) Abuse and corporal punishment are prohibited.
- (c) The member of the correctional population shall be permitted all type of communication compatible with his/her security and that of other members of the correctional population, tends to ensure his/her welfare, particularly in all that concerns having due access to the courts, maintaining family ties, and presenting their complaints to the officers who must receive them.

(d) Female members of the correctional population shall be confined separately from the facilities used for male members of the correctional population.

(e) Every member of the correctional population shall be entitled to participate in rehabilitation, treatment, study or work programs compatible with his/her process for reintegration into society, subject to the provisions of the new Penal Code of the Commonwealth of Puerto Rico and the Constitutional Rehabilitation Mandate Act.

(f) No minors adjudged as adults may be confined in institutions used for the confinement of adults, except when the confinement takes place in a room or hall entirely separate from the adults therein confined.

TITLE XV. — INVESTIGATIONS

Section 51. — [Matters affecting the correctional system; investigations and studies] (4 L.P.R.A. § 1261)

The Administration is authorized to carry out all kinds of studies and investigations on matters affecting the correctional system, and, to that end, the Administrator shall require whatever information is necessary, pertinent and essential to achieve such purposes and to approve such rules and regulations as are necessary and reasonable. The Administrator shall issue summons requiring the appearance of witnesses and the presentation of data and information to carry out the purposes of this act. He shall, further, by himself or through an agent duly authorized, administer oaths and receive testimonies, data or information.

If a summons issued by the Administrator is not duly answered, the Administrator may appear before the Court of First Instance of Puerto Rico and request that compliance with the summons be ordered. The Court of First Instance shall give priority to the processing of said petition and may enter orders compelling the appearance of witnesses or the presentation of data or information previously required by the Administrator. The Court of First Instance shall have power to punish for contempt disobedience of those orders.

No person shall refuse to comply with a summons of the Administrator or of his representative, or to produce the evidence requested or refuse to answer any question in connection with any study or investigation, or because the evidence required could incriminate him or expose him to a criminal trial to be removed or suspended from his employment, profession or occupation; but the testimony or evidence produced by said person at the request of the Administrator or his representative or by virtue of a judicial order, shall not be used or presented in evidence against him in a criminal prosecution or a civil or administrative suit which could result in the removal or suspension from his profession, employment or occupation.

TITLE XVI. — PENALTIES

Section 52. — [Refusal to supply information requested by officers or employees] (4 L.P.R.A. § 1271)

Any officer or employee who refuses, without reasonable justification, to furnish to the Administrator the information he requires and that is necessary for the function of the

Administration statistics center, exception that according to law is confidential, shall be guilty of a misdemeanor.

Section 53. — [Violation of regulations] (4 L.P.R.A. § 1272)

The regulations promulgated by the Administrator shall enter into effect once they are approved by the Governor and upon compliance with the requirements provided by regulations approved under its authority.

Any person who violates any of the provisions of this act or of the regulations approved under its authority shall be guilty of a misdemeanor.

TITLE XVII. — CRIME VICTIMS' RIGHTS

Section 54. — Committee, Creation, composition and Functions of the Victims Rights Committee. (4 L.P.R.A. § 1273)

The Victims' Rights Committee is hereby created, attached to the Office of the Assistant Administrator of the Correctional Administration, in charge of programs and services for inmate diversion programs. The rights of victims included in the following sections shall be channeled through this committee to guarantee compliance with said rights.

The Victims' Rights Committee shall be comprised by the following members: the Administrator of the Correctional System or a representative of same; the Secretary of Justice or a representative of same; the President of the Civil Rights Committee or a representative of same; a felony victim or the relative of a felony victim, to be designated by the Governor with the advice and consent of the Senate; and a licensed professional in a mental health field to be designated by the Governor with the advice and consent of the Senate.

To such effects, said Committee shall hold hearings on the evaluation of cases to place members of the correctional population in the programs and services of the inmate diversion programs in those cases where the victim opposes said placement or requests to state his/her opinion through a hearing. Hearings on the evaluation of cases shall only be waived in those cases where it is on record that a certified notice was sent to the crime's victim stating his/her right to appear at a hearing, or when several attempts have been made to locate and notify the victim on his/her rights and such attempts have been unsuccessful. The victim shall have twenty (20) days to notify the Committee whether or not he/she shall request the hearing. If said term expires and the victim fails to request a hearing, the same may be waived. The Committee shall adopt the measures and procedures necessary for its internal operations; Provided, That in the hearings the mechanism of examiner officers shall not be used, and that its agreements shall be made by a majority plus one of its members. If the Secretary of the Department of Corrections and Rehabilitation and the Correctional Administrator are the same person, the representation of the Administration in the Committee shall befall upon the Sub-Administrator or a representative of same. In the case of Committee members designated by the Governor with the advice and consent of the Senate, these shall qualify for the payment of per diems and mileage in compliance with the legal provisions applicable in these situations.

The Committee shall have the support of technicians, clerks and personnel attached to same, which shall originate from the operational budget of the Administration.

The process set forth in the Correctional Administration, prior to the amendment of Act No. 151 of October 31, 2001 for determinations on the placement in programs and services of inmate diversion programs in these cases shall remain in effect during the transition period until the Victims' Rights Committee is duly constituted and until it adopts the measures and procedures needed for its operations, not later than June 30, 2002.

Section 55. — Definition of the term "crime victim". (4 L.P.R.A. § 1274)

For the purposes of this act, the term "crime victim" means:

- (a) Any natural person against whom a crime typified in the laws of the Commonwealth of Puerto Rico or the laws of the United States, has been committed or attempted, or
- (b) the tutor or legal guardian, surviving spouse, or relative up to the third degree of consanguinity of such person, when that person has died, is a minor, or is physically or mentally unable to appear to testify.

Section 56. — Rights of crime victims. (4 L.P.R.A. § 1275)

In the procedures related to the consideration of diversion programs, the crime victim for whom the parolee or inmate was convicted is guaranteed the following rights:

- (a) To be notified when the inmate is being evaluated to be considered for one or more diversion programs.
- (b) To be treated with dignity, compassion and respect by all the members of the established Committee and the employees of the programs and services. To appear and be heard, verbally or in writing, at his/her discretion, to present his/her opinion before the established Committee on:
 - (1) The rehabilitation process and the determination that shall be taken in due time with regard to the benefit of the privilege, and/or
 - (2) the financial, emotional or physical impact that the commission of the crime had on the crime victim and his/her family.
- (c) To attend the hearing as an observer.
- (d) Through a request to such effects, to testify in the hearing in the absence of the parolee or inmate.
- (e) To have access to all the information contained in the any file or documentation on the parolee or inmate, as well as any record related to his/her physical or mental health when the request for information is directly related to the administration of justice in criminal cases, when pertinent, and pursuant to the applicable laws and regulations, and except for such information offered in confidence by unrelated third parties and that may reveal their identity. Having access includes providing certified copies to the victim of all the requested documentation, pursuant to the rules established by the agency regarding reproduction fees. It shall be the responsibility of the Corrections Administration to maintain in confidentiality the identity of third parties who offer information to it so that it can reach a decision. Furthermore, the victim must use the confidential information solely and exclusively for the

purpose of issuing an informed opinion on the findings of the consideration of the privilege of parole within the parameters of the applicable laws, jurisprudence and regulations.

(f) To be represented by an attorney or any expert that will assist in understanding the procedures or the information to which he/she is entitled.

(g) To demand that information on his/her residential and business address, as well as the telephone numbers are kept as confidential when the specific circumstances of the case and the personal safety of the victim and his/her relatives so warrant, as well as any document, paper, and photograph that contains said information and which is in custody of the Administration and its employees, except in those cases as provided in Act No. 22 of April 22, 1998, as amended

(h) To be advised of the results of the hearing when the person liable for the crime is to be referred to a Diversion Program prior to being released or transferred into the community at large.

(i) To resort to administrative review before the Secretary of the Department of Corrections and Rehabilitation on any finding, order or resolution issued by the Committee, as provided by regulations.

(j) To resort to administrative review before the Circuit Court of Appeals, pursuant to Act No. 170 of August 12, 1988, as amended, regarding any finding, order or resolution issued by the Secretary of the Department of Corrections and Rehabilitation.

(k) To receive the payment of the special penalty imposed on the inmate, in addition to the judgment imposed by the court, pursuant to the provisions of Act No. 183 of July 29, 1998, as amended.

Section 57. — Eligibility for inmate diversion programs. (4 L.P.R.A. § 1276)

The opinion of the victim shall be considered, among other criteria, for the granting of the privilege of referring an inmate to a diversion program.

Section 57 [bis]. — Creation of the Interdenominational Chaplain Corps of the Corrections Administration. (4 L.P.R.A. § 1284)

The Interdenominational Chaplain Corps of the Corrections Administration is hereby created.

(a) All religious beliefs shall be represented in the Interdenominational Chaplain Corps of the Corrections Administration. All religious beliefs represented by the Interdenominational Chaplain Corps of the Corrections Administration shall be bound to comply with the rules and regulations established by the Administrator of Corrections.

(b) The Administration shall designate three Chaplaincy Directors of different denominations that lead the spiritual development of the citizenry. Their functions, including the form, term and manner in which they shall be designated, shall be defined through regulation promulgated by the Corrections Administrator for such purposes. Said regulations shall not limit the inmates' exercise of freedom of religion.

(c) All chaplains shall wear the vestments of their respective religion or religious organization and shall bear an identification card with a photograph prepared by the high officials of their religious organization.

(d) A strict separation shall be maintained between church and state, it being understood that the state does not favor any specific religious belief.

Section 58. — Notice of the hearing to the victim of a crime. (4 L.P.R.A. § 1277)

The Committee shall be responsible for notifying the victim in writing of the diversion program consideration hearing at the last fifteen (15) working days in advance. If the victim does not reply, or opts not to attend the hearing, or the Corrections Administration is unable to locate the person, the procedure shall continue without his/her participation.

Said notice shall be remitted to the last known mailing address of the victim and shall include:

- (1) The date, hour and place that the hearing shall be held;
- (2) a brief explanation of the reasons for the hearing, including a mention of the crime or crimes for which the client was convicted;
- (3) a list of the provisions of law or regulations that apply to the participation of the victim in the procedure, and
- (4) the address and telephone number of the office or the official with whom the victim may communicate to receive more information on his/her participation in the hearing.

The Committee shall make every effort within its reach to locate and notify the crime victim, keeping evidence thereof in the case file.

In the event that the victim waives his/her right to appear at the hearing to consider the diversion program, he/she must so consign it in writing on the document provided by the Corrections Administration. A copy of the waiver shall be remitted to the corrections system and eventually to the Parole Board, which in turn shall keep a file of the waivers signed by the victims. In the event of an express waiver, the wishes of the victim shall be respected and the notification provided by law shall not proceed.

Failure to comply with the provisions of the Sections of this Subtitle shall create an impediment for the Committee to exercise its jurisdiction in the specific case. The provisions of this section shall apply to the convicts of any crime, even when it is not required by Act No. 91 of June 13, 1988, as amended.

TITLE XVIII. — SPECIAL PROVISIONS

Section 59. — Definitions of Terms (4 L.P.R.A. § 1281)

The following terms wherever used or referred to in this act, except where incompatible with the purposes hereof, shall mean:

- (a) *Administration* — The Corrections Administration.
- (b) *Administrator* — The Correctional Administrator.
- (c) *Correctional population, members of the correctional population or member of the correctional population* — Any person placed under the jurisdiction of the Corrections Administration by authority of law.
- (d) *Institution or Institutions* — Any structure or place, under the jurisdiction of the Corrections Administration, where the members of the correctional population are confined.
- (e) *Director* — The Director of the Corrections Administration Transportation Office.

- (f) *Office* — Is the Transportation Office for members of the Correctional Administration.
- (g) *Indicted person* — Any person placed under the custody of the Corrections Administration by virtue of a judicial order or decision.
- (h) *Person* — Includes indicted and convicted persons who have been placed in the custody of the Corrections Administration by virtue of authority of law.
- (i) *Classification, Diagnosis and Treatment Center or Center* —Includes every facility or dependency of the Classification, Diagnosis or Treatment Center located in any region of Puerto Rico.

Section 60. — Injunction. (4 L.P.R.A. § 1282)

No injunction shall be issued to enjoin the application of this act or of any of its provisions.

Section 61. — Repeal of Statutes.

The following acts are repealed:

- (a) Act No. 43 of July 23, 1947, as amended.
- (b) Act No. 19 of May 13, 1953.
- (c) Act No. 117 of July 12, 1960.
- (d) Act No. 361 of April 23, 1946.
- (e) Act No. 73 of May 26, 1967.
- (f) Act No. 21 of June 6, 1957, as amended.
- (g) Act No. 401 of May 10, 1951.
- (h) Act No. 72 of May 26, 1967.
- (i) Act No. 8 of April 17, 1970.
- (j) Act No. 18 of March 9, 1911.
- (k) Act No. 104 of June 22, 1961.
- (l) Act No. 489 of April 29, 1946, as amended.

Section 61 [bis]. — [Authority to name public buildings after deceased public servants of the correctional system] (4 L.P.R.A. § 1283)

The Corrections Administrator is hereby authorized to denominate the public buildings where the offices, dependencies and institutions of the Corrections Administration are located, with the names of those deceased public servants of the correctional system, who were members of the Custody Officers Corps, Sociopenal Services Technicians or other employees or officials, who honorably complied with the duties corresponding to the position or office he/she filled, through exceptional public service in benefit of the rehabilitation of convicts and inmates.

Section 62. — Separability.

If any provision of this act or the application thereof, to any person or circumstances is adjudged unconstitutional, such nullity shall not affect the other provisions nor application of this act that may have effect, without the necessity of the provisions or applications that had

been declared null, and to such effect it is hereby declared that the provisions of this act are separable one from the others.

Section 63. — Effectiveness.

This act shall take effect July 1, 1974.

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.