

(S. B. 237)

**(No. 46)**

(Approved August 11, 2005)

**AN ACT**

To amend Section 3, and add subsections (n) and (o) to Section 6, of Act No. 19 of May 12, 1977, as amended, to broaden the duties of the Municipal Police and empower them, in coordination with the Puerto Rico Police, to carry out criminal investigations on domestic violence crimes, pursuant to Act No. 54 of August 15, 1989, as amended, breaking and entering, aggression, unlawful possession, and misdemeanors included in accordance to the Penal Code of Puerto Rico, to direct the Superintendent of the Puerto Rico Police and the Municipal Police Commissioners to establish a protocol which establishes intervention and investigation agreements for the abovementioned crimes, to direct the Municipal Police to coordinate with the Puerto Rico Police the request for an arrest warrant pursuant to the Rules of Criminal Procedure in effect in the case of complaints that involve the commission of any of the abovementioned crimes and to grant the Municipal Police the power to make arrests without a warrant in coordination with the Puerto Rico Police, as defined by Rule 11 of the Rules of Criminal Procedure.

**STATEMENT OF MOTIVES**

Section 3 of Act No. 19 of May 12, 1977, as amended, known as the “Municipal Police Act,” sets forth the general powers and duties of the Municipal Police. These powers limit the functions of the Municipal Police, to that of compelling obedience and observation of the ordinances and regulations promulgated by the municipalities, the provisions on illegal parking of motor vehicles, and to prevent, discover, and persecute crimes committed in their presence within the jurisdictional limits of their

municipalities or outside of them whenever it is necessary to conclude an intervention initiated in their municipality.

In view of the reality of the problem of crime in Puerto Rico, the fact that only twenty (20%) percent of crimes against the property and thirty-nine (39%) percent of crimes of abuse are resolved, it is necessary to empower the Municipal Police so that in coordination with the Puerto Rico Police, they may conduct criminal investigation works in crimes involving domestic violence, breaking and entering, battery, and unlawful possession as well as in included misdemeanors, committed in their presence, and within their jurisdiction. Thus, the percentage of resolved cases shall increase and definite punishment for the criminal shall be guaranteed. It is important to point out that the Municipal Police is virtually required the same training and preparation as the members of the Puerto Rico Police, that qualifies them to conduct criminal investigations in the abovementioned crimes.

Furthermore, it is necessary that the Municipal Police and the Puerto Rico Police join efforts in the making of arrests in order to fight crime. To such effects, it is necessary that the Municipal Police be expressly granted the power to make arrests without a warrant, as established by Rule 11 of the Rules of Criminal Procedure.

***BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:***

Section 1.- Section 3 of Act No. 19 of May 12, 1977, as amended, is hereby amended to read as follows:

“Notwithstanding the provisions of Act No. 53 of June 10, 1996, any municipality may establish a public vigilance and protection corps to be known as the “Municipal Police” that shall be charged with compelling obedience to the ordinances and regulations promulgated by the corresponding municipality, provisions on illegal parking of vehicles, and to

prevent, discover and investigate crimes of domestic violence, pursuant to Act No. 54 of August 15, 1989, as amended, breaking and entering, battery, and unlawful possession crimes as well as misdemeanors included pursuant to the Penal Code of Puerto Rico, and to persecute crimes committed in its presence, and within its jurisdiction or outside of them whenever it is necessary to conclude an intervention initiated in the municipality of its jurisdiction.

...”

Section 2.- Subsections (n) and (o) are hereby added to Section 6 of Act No. 19 of May 12, 1977, as amended, to read as follows:

“In addition to other duties imposed by virtue of other laws, the Municipal Police Corps shall have the duties that through regulations and by virtue of this Act are approved, including the following powers and responsibilities, within the territorial limits of the corresponding municipality:

(a) ...

(b) ...

(c) ...

(d) ...

(e) ...

(f) ...

(g) ...

(h) ...

(i) ...

(j) ...

(k) ...

(l) ...

(m) ...

(n) Conduct criminal investigations in domestic violence crimes, pursuant to Act No. 54 of August 15, 1989, as amended, in crimes involving breaking and entering, battery, and unlawful possession as well as in misdemeanors included pursuant to the Penal Code of Puerto Rico. To such effects, the Superintendent of the Puerto Rico Police, together with the Municipal Police Commissioners shall establish a protocol in which the intervention and investigation agreements of the listed crimes shall be established. In the case of complaints that involve the commission of any of the crimes mentioned herein, the Municipal Police Officer shall be compelled to coordinate with the Puerto Rico Police the request of an arrest warrant pursuant to the Rules of Criminal Procedure in effect.

(o) In the performance of his/her functions, to make arrests without arrest warrants as law enforcement officers in coordination with the Puerto Rico Police as established by Rule 11 of the Rules of Criminal Procedure in effect.”

Section 3.- This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 46 (S.B. 237) of the 1st Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend Section 3, and add subsections (n) and (o) to Section 6, of Act No. 19 of May 12, 1977, as amended, to broaden the duties of the Municipal Police and empower them, in coordination with the Puerto Rico Police, to carry out criminal investigations on domestic violence crimes, pursuant to Act No. 54 of August 15, 1989, as amended, breaking and entering, aggression, unlawful possession, and misdemeanors included in accordance to the Penal Code of Puerto Rico, to direct the Superintendent of the Puerto Rico Police and the Municipal Police Commissioners to establish a protocol which establishes intervention and investigation agreements for the abovementioned crimes, etc.,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 2<sup>nd</sup> of November of 2005.

Francisco J. Domenech  
Director