

(H. B. 1057)
(Conference)

(No. 53)

(Approved August 13, 2005)

AN ACT

To repeal Act No. 3 of March 13, 2001, known as the “Puerto Rico Drug Control Office”; to add subsection (o) to Section 5 of Act No. 53 of June 10, 1996, as amended, known as the “Puerto Rico Police Act of 1996,” in order to delegate to the Police Superintendent the functions inherent to public safety delegated to said office; to add subsection (q) to Section 8 of Act No. 67 of August 7, 1993, as amended, known as the “Mental Health and Addiction Services Administration Act,” in order to delegate to its administrator the functions related to the prevention, education, and rehabilitation, which have been delegated to said office; to reassign funds, materials, and all kinds of resources belonging to the Puerto Rico Drug Control Office to the Mental Health and Addiction Services Administration, and the equipment related to education, prevention, treatment, and rehabilitation shall be transferred to the Mental Health and Addiction Services Administration and that related to security and interdiction to the Puerto Rico Police; and for other purposes.

STATEMENT OF MOTIVES

Act No. 3 of March 13, 2001, created the position of the Director of the Puerto Rico Drug Control Office and gave him/her the powers, then deemed necessary, to coordinate with the different government agencies and departments the implementation of the public policy on the drug problem in Puerto Rico. Through the abovementioned Act, the Advisory Council for Drug Control in Puerto Rico was created, to be chaired by the Governor of the Commonwealth of Puerto Rico, and which shall guarantee the

coordination and integration of interagency and private services relative to the control of the trafficking and use of drugs, and to the prevention, education and rehabilitation programs pertaining thereto.

The Director, in collaboration with the Advisory Council for Drug Control would prepare a Strategic Plan to consign the public policy regarding the education, prevention, treatment, rehabilitation and control of drugs in Puerto Rico. The Office of the Director and the Advisory Council for Drug Control would fulfill their duties and exercise their functions in coordination with those Commonwealth and Federal government agencies which are, in one way or another, involved in all matters relative to the drug problem in all its aspects.

Among the functions delegated to the Puerto Rico Drug Control Office, some are closely related to the tasks carried out by the Puerto Rico Police, such as the coordination of plans of action and efforts undertaken by government bodies to control illegal drug trafficking; and coordination between the Commonwealth, federal and international security agencies. Other duties delegated to said office are inherent to the Police, as law enforcement body, such as the coordination of Commonwealth and federal security agencies for the early detection of criminal enterprises, money laundering, and firearms trafficking, when these illegal enterprises and activities are related to illegal drug trafficking.

On the other hand, other functions delegated to the Puerto Rico Drug Control Office through Act No. 3, *supra*, were intended for education, prevention, and rehabilitation, such as to outline and direct a Strategic Plan for the control, prevention, treatment, and rehabilitation from the use of drugs and other addictive substances, with special emphasis on prevention and treatment, for which an all-encompassing program, to be given

extensive public diffusion through schools and educational institutions, shall be designed in order to dissuade the general population and especially the youth from engaging in the detrimental habit of using illegal drugs and other addictive substances.

Therefore, the Puerto Rico Drug Control Office had a dual purpose, geared towards addressing, not only security and interdiction components but also components such as education, prevention and rehabilitation. So it was done, to the detriment of security and interdiction, because with those functions it was intended to control the illegal use of drugs and other controlled substances.

This Act repeals Act No. 3 of March 13, 2001, known as the “Puerto Rico Drug Control Office,” and amends Act No. 53 of June 10, 1996, as amended, known as the “Puerto Rico Police Act of 1996,” to add to the powers, authority, and duties of the Police Superintendent those relative to him/her, which were delegated to the Puerto Rico Drug Control Office.

On the other hand, since the implementation of the public policy relative to all matters concerning mental health and addiction corresponds to the Mental Health and Addiction Services Administration, all functions relative to the prevention, education, and rehabilitation, delegated to the Puerto Rico Drug Control Office are hereby transferred to the same.

With this Act, we adequately answer to two fundamental purposes, which were intended to achieve with the creation of the Puerto Rico Drug Control Office: to coordinate, integrate and channel government resources against the trafficking, sale and consumption of controlled substances in Puerto Rico and to coordinate resources to provide advisory and educational resources for the prevention of the drug-addiction problem within our society, especially among the youth.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Act No. 3 of March 13, 2001, known as the “Puerto Rico Drug Control Office,” is hereby repealed.

Section 2.- Subsection (o) is hereby added to Section 5 of Act No. 53 of June 10, 1996, as amended, known as the “Puerto Rico Police Act of 1996,” to read as follows:

“Section 5.- Superintendent; Powers, Authority, and Duties.-

(a) ...

(o) As part of his/her functions as public safety custodian:

1. Establish links and keep coordination between the security agencies of the Commonwealth of Puerto Rico, Federal agencies and international entities to organize and implement joint vigilance efforts along our coastline, our airports and maritime ports and share and exchange the information and data needed to protect the points of access to Puerto Rico against the entry of drugs.
2. Promote the coordination between Commonwealth and federal security agencies for an early detection of criminal enterprises, money laundering and trafficking of firearms, whenever these illegal enterprises and activities are related to the illegal trafficking of drugs;
3. Coordinate action plans and efforts of the government bodies related to the control of illegal drug trafficking; and
4. Advise the Governor and the Legislature on the mechanisms for controlling illegal drug trafficking destined for the Island, and each January, he/she shall

submit an annual report on the efforts made pursuant to this subsection to the Legislature and the Governor of Puerto Rico, at the beginning of the first regular session of the year.”

Section 3.- Subsection (q) is hereby added to Section 8 of Act No. 67 of August 7, 1993, as amended, known as the Mental Health and Addiction Services Administration Act,” to read as follows:

“Section 8.- Administrator

...

The Administrator shall carry out the following duties and functions:

(a) ...

(q) As part of the powers necessary and convenient to carry out the purposes and provisions of this Act, the Administrator shall also:

1. Outline and direct the purposes of the Strategic Plan towards the control and prevention, treatment and rehabilitation from the use of drugs and other addictive substances, with special emphasis on prevention and treatment, for which purpose he/she shall design an all-encompassing program to be given extensive public diffusion through schools and other educational institutions on the Island, in order to dissuade the general population, especially the young population, from engaging in the detrimental habit of using illegal drugs and other addictive substances.
2. Incorporate into the Strategic Plan the efforts undertaken in Puerto Rico, the United States of America, and other jurisdictions, after having evaluated their results and

effectiveness, in agreement with the public policy of the Government of Puerto Rico.

3. Coordinate the available resources and follow-up on the implementation of the public policy established for the control, prevention, treatment and rehabilitation efforts concerning the harmful use of drugs;
4. Coordinate the plans of action and the efforts undertaken by the government bodies for controlling illegal drug trafficking and for the prevention, treatment, and education programs concerning the use and abuse of drugs and other addictive substances;
5. Coordinate, evaluate and supervise the availability and use of the resources and compliance with the Strategic Plan by the agencies that implement programs and activities subject to the coordination of the Administration so that they may adjust to the public policy adopted. Furthermore, it shall coordinate the establishment of a technical support and assistance system to optimize the performance of said agencies; and
6. Advise the Governor and the Legislature about the mechanisms employed to reduce drug use and those established for the prevention, treatment, rehabilitation and education pertinent to the use and abuse of drugs and other addictive substances, and each January, he/she shall submit an annual report on the efforts made pursuant to this subsection to the Legislature and the Governor of Puerto Rico at the beginning of the first regular session of the year.”

Section 4.- Funds, materials, and all kinds of resources of the Puerto Rico Drug Control Office are hereby reassigned to the Mental Health and Addiction Services Administration. Likewise, the equipment of the Puerto Rico Drug Control Office relative to education, prevention, treatment, and rehabilitation is hereby transferred to the Mental Health and Addiction Services Administration, and that equipment relative to security and interdiction is hereby transferred to the Puerto Rico Police.

Section 5.- The personnel of the Puerto Rico Drug Control Office is hereby transferred with its regular status in the career service to the Mental Health and Addiction Services Administration, that on the date of the approval of this Act, held a regular position with the permanent functions of Career Service. Confidential employees, who at the time of the approval of this Act, are entitled to their reinstatement to position, pursuant to the provisions of Section 9.2 of Act No. 84 of August 3, 2004, as amended, shall be transferred with their confidential employee status and shall remain in such positions until the appointing authority determines their reinstatement to career service.

The relocation shall be made taking into account the functions carried out by each employee in the Puerto Rico Drug Control Office, subject to the need of personnel and the availability of funds in the Mental Health and Addiction Services Administration.

The personnel thus transferred shall have the same rights and benefits that they had at the time of the transfer, as well as the rights and obligations regarding any pension or retirement system or savings and loans funds.

The classification, reclassification, and remuneration of the positions shall be established in agreement with the applicable classification and remuneration plans in the Mental Health and Addiction Services

Administration. Transferred employees shall meet the minimum classification requirements of the position to which their functions are assigned.

However, the Police Superintendent may request the transfer or relocation to the Puerto Rico Police of any employee of the Puerto Rico Drug Control Office, who in his/her judgment, has specialized knowledge on public security, necessary to take part in the fight against the trafficking, sale, and use of controlled substances in Puerto Rico or has the experience necessary thereto. If such is the case, the transfer or relocation shall be made pursuant to the terms established in this Section.

Section 6.- The approval of this Act neither affects nor curtails the obligations assumed under Act No. 3 of March 13, 2001, hereby repealed, specially obligations assumed by the Puerto Rico Drug Control Office with any other Commonwealth, federal or international security agency. This Act shall not affect any procedures or actions initiated in agreement with the standards or provisions of any regulations adopted pursuant to said law in effect at the time of its repeal. These procedures or actions, if any, shall be resumed by the Puerto Rico Police Superintendent or the Administrator of the Mental Health and Addiction Services Administration, as the case may be, in agreement with the duties and functions delegated to him/her through this Act, until their final resolution pursuant to the provisions under which the same had been initiated.

Likewise, this Act shall not invalidate the contracts duly granted by the Puerto Rico Drug Control Office that are in effect at the time of its approval, if any, which shall remain in effect until the date agreed for its termination, unless the clauses therein contravene the provisions of this Act, or were cancelled on a previous date, if so allowed by the contract in question.

Section 7.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 53 (H.B. 1057) (Conference) of the 1st Session of the 15th Legislature of Puerto Rico:

AN ACT to repeal Act No. 3 of March 13, 2001, known as the “Puerto Rico Drug Control Office”; to add subsection (o) to section 5 of Act No. 53 of June 10, 1996, as amended, known as the “Puerto Rico Police Act of 1996,” in order to delegate to the Police Superintendent the functions inherent to public safety delegated to said office; to add subsection (q) to Section 8 of Act No. 67 of August 7, 1993, as amended, known as the “Mental Health and Addiction Services Administration Act,” in order to delegate to its administrator the functions related to the prevention, education, and rehabilitation, which have been delegated to said office; etc.,

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

In San Juan, Puerto Rico, today 15th of November of 2006.

Francisco J. Domenech
Director