

(H.B. 326)

(No. 110)

(Approved September 7, 2005)

AN ACT

To amend subsection (1) of Section 12 of Act No. 2 of February 23, 1988, as amended, in order to provide a requirement of six (6) years of previous experience in the practice of the legal profession for those attorneys designated to the position of Special Independent Prosecutor.

STATEMENT OF MOTIVES

In Puerto Rico we have, as one of tools for the defense of the public integrity, the office of the Special Independent Prosecutor (FEI, Spanish acronym).

The office of the FEI was created to isolate the wheels of justice from political influences. In giving jurisdiction for the criminal prosecution of high government officials to a panel of former judges and to a special prosecutor designated from the ranks of the private legal practice, we avoid the appearance of conflicts that might result from assigning such a task to prosecutors and investigators that depend on the governing power of the moment for their appointment.

The end results of the cases taken by a FEI before the courts have been mixed. We frequently see that the cases introduced by a FEI do not prosper beyond the preliminary phase because of mistakes in the

introduction of the evidence, in the process itself and even in the charges that are brought before the court.

One way in which to minimize the errors in those cases characterized by their technical-legal complexity is to require that in order to exercise the function of a FEI, the designated attorney must be a person experienced in the practice of the profession with a minimum of six (6) years of experience in said practice.

For such purposes, the requirements to hold the office of Special Prosecuting Attorney are hereby increased.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-Subsection (1) of Section 12 of Act No. 2 of February 23, 1988, as amended, is hereby amended to read as follows:

“Section 12.-Provisions regarding the Special Prosecutor

(1) Every Special Prosecutor shall be an attorney admitted to the practice of the profession by the Supreme Court of Puerto Rico and who is a citizen of the United States and a bona fide citizen and resident of Puerto Rico. The person designated by the Panel as Special Prosecutor shall be of renowned prestige, integrity and moral and professional reputation; furthermore provided that every Special Prosecutor shall have a minimum of six (6) years of experience in the exercise of the legal profession.

(2) ...

....”

Section 2.-This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 110 (H.B. 326) of the 1st Session of the 15th Legislature of Puerto Rico:

AN ACT to amend subsection (1) of Section 12 of Act No. 2 of February 23, 1988, as amended, in order to provide a requirement of six (6) years of previous experience in the practice of the legal profession for those attorneys designated to the position of Special Independent Prosecutor,

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

In San Juan, Puerto Rico, today 24th of January of 2006.

Francisco J. Domenech
Director