

(S.B. 792)

**(No. 134)**

(Approved July 26, 2006)

## **AN ACT**

To amend the first paragraph of Section 12 and the first paragraph of Section 23 of Act No. 13 of July 24, 1985, as amended, known as the “Puerto Rico Institute of Forensic Sciences Act,” in order to establish as mandatory that the Institute of Forensic Sciences incorporate into its data base the complaint number assigned by the Puerto Rico Police to its report on the results of an autopsy when an incident occurs.

### **STATEMENT OF MOTIVES**

The Institute of Forensic Sciences plays a very important role in the administration of justice on our Island. The functions of this entity, because of their nature, are indispensable for the scientific investigation conducted in criminal cases which, together with other components of the Criminal Justice System efficiently fight crime. The Institute contributes with its personnel and with the information it collects to the investigative and statistical processes of the Department of Justice as well as of the Puerto Rico Police and other Federal and Commonwealth agencies involved in the administration of justice.

The Institute is at the same time one of the main sources of information on crime since it is able to tabulate the various manifestations of criminal conduct that involve incidents of violent death in time and space, to shed light on the statistics of this criminal phenomenon on the Island and the

investigation and elucidation of the criminal acts which unsettle the peaceful coexistence of our citizens.

Therefore, the Institute of Forensic Sciences, in the hope that there are no discrepancies between the Puerto Rico Police and the Institute of Forensic Sciences as to the data collected and reported about the number of violent deaths on the Island, from the criteria of incidents registered and autopsies performed, the Institute must incorporate into its data base the number of the complaint assigned by the Puerto Rico Police when an incident occurs not only involving murder by also other incidents, to its report on the results of an autopsy. This way the Puerto Rico Police will be provided with the information about the autopsies performed during a natural year using as basis for this the number of the complaint as the incident is classified by the Puerto Rico Police. Since the first four digits of the number of the complaint indicate the year in which the incident occurred, the Puerto Rico Police shall be capable of working only the deaths that occurred on that year and not the autopsies that were performed.

This inclusion shall guarantee that all cases of death by accident, suicide, drowning and murder, among others, be incorporated to the statistics on these occurrences and validated by both agencies.

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

Section 1.-The first paragraph of Section 12 of Act No. 13 of July 24, 1985, as amended, is hereby amended to read as follows:

“Section 12.-Mandatory Autopsy

When death is produced under the circumstances enumerated in clauses (1) through (11) and in clause (17) of subsection (a) of Section 11 of this Act, it shall be mandatory to perform an autopsy in order to determine the cause and manner of said death. In the case of clause (14) of subsection (a) it

shall be mandatory to perform an autopsy when ordered by the prosecuting attorney who shall be informed of all the deaths contemplated in this clause. In all other cases enumerated in Section 11, an autopsy shall be performed at the discretion of the Forensic Pathologist responsible for the investigation whenever any doubts arise about the cause of death and the manner in which it took place or when for some reason it is deemed necessary for the best elucidation of the facts. In the case of both mandatory and discretionary autopsies, the Institute of Forensic Sciences shall incorporate into its data base the number of the complaint, if any, assigned by the Puerto Rico Police, when the death of any person is produced under certain of the situations specified in this Act, to the report about the results of the autopsy.

In all cases the Director of the Institute or any of its Forensic Pathologists and Auxiliary Coroners shall have the authority to perform or order an autopsy to be performed.

Section 2.-The first paragraph of Section 23 of Act No. 13 of July 24, 1985, as amended, is hereby amended to read as follows:

“Section 23.-Filing of Cases; Conservation, Inspection

The Institute shall maintain files of all the cases it investigates as well as of those investigated by the Forensic Pathologists and Coroners, Auxiliary Coroners or the technical personnel of all the districts. Each case shall be filed under the name of the victim, if known, the number of the complaint, if any, of the Puerto Rico Police for the particular incident, the place where the corpse was found and the date of death. In those cases where there has been no death, the case shall be filed under the name of the person charged and under the number of the complaint, if any, of the Puerto Rico Police for the particular incident. An index shall be kept to permit the prompt location of any case at any time. The record of each case of death shall include the

original coroner's report and the protocol of the autopsy or a copy thereof, if it has been performed, and the number of the complaint, if any, of the Puerto Rico Police, about the particular incident. In other cases, the analyses that were performed or copies thereof and the number of the complaint, if any, of the Puerto Rico Police about the particular incident shall be included. The files shall be kept at the Institute, duly protected and safeguarded against theft, fire and their inspection by unauthorized persons.

....”

Section 3.-The Director of the Institute of Forensic Sciences is hereby authorized, in coordination with the Superintendent of the Puerto Rico Police, to adopt the regulations needed to fulfill the purposes of this Act.

Section 4.-This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 134 (S.B. 792) of the 3<sup>rd</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend the first paragraph of Section 12 and the first paragraph of Section 23 of Act No. 13 of July 24, 1985, as amended, known as the “Puerto Rico Institute of Forensic Sciences Act,” in order to establish as mandatory that the Institute of Forensic Sciences incorporate into its data base the complaint number assigned by the Puerto Rico Police to its report on the results of an autopsy when an incident occurs,

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

In San Juan, Puerto Rico, today 25<sup>th</sup> of October of 2006.

Francisco J. Domenech  
Director