

(H.B. 2169)

(No. 206)

(Approved September 27, 2006)

AN ACT

To amend Sections 1 and 2 of Act No. 20 of January 20, 1994, as amended, in order to qualify the federal officers of the Office of Criminal Investigation of the Food and Drug Administration as law enforcement officers in Puerto Rico; empower them to make arrests under Rule 11 of the Rules of Criminal Procedure and grant them the right to apply for the benefits of Act No. 104 of June 29, 1955, as amended.

STATEMENT OF MOTIVES

In 1995 the Legislature approved Act No. 20 of January 20 in order to qualify the federal officers of certain agencies established in Puerto Rico as law enforcement officers and empower them to make arrests under Rule 11 of the Rules of Criminal Procedure as well as to grant them the benefits of Act No. 104 of June 29, 1955, as amended. This legislation was amended subsequently to include additional federal officers within this provision.

Criminal incidence has been increasing in Puerto Rico during past years. Sadly, just as there has been an increase in crime and because of this, there has also been an increase in the number of deaths of innocent victims who are in no way connected to criminal activities. In view of this fact it becomes necessary to join forces with these federal agents who are trained and skilled just like any other law enforcement officer in Puerto Rico to fight

crime directly and indirectly. This is the case of the federal officers of the Office of Criminal Investigation of the Food and Drug Administration (FDA), who just like the law enforcement officers of Puerto Rico carry weapons, execute and deliver arrest or search warrants, serve subpoenas and administer oaths, among other duties.

For the above reasons and in view of the existing rampant criminal incidence, this Legislature deems it necessary to propose, evaluate and approve all those measures that seek to provide and promote some means of assisting us in our constant fight for a safer Puerto Rico.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-Section 1 of Act No. 20 of January 20, 1995, as amended, is hereby amended to read as follows:

“Section 1.-Federal law enforcement officers of the Department of Homeland Security, the Federal Bureau of Investigations (FBI), the U.S. Marshals Service, the Drug Enforcement Administration" (DEA), the U.S. Coast Guard, the Immigration and Naturalization Service, the Bureau of Alcohol, Tobacco and Firearms, the U.S. Secret Service, the U.S. Customs and Border Protection of the USDA Forest Service, the Office of Criminal Investigation of the Food and Drug Administration (FDA), the U.S Postal Inspectors, and the police of the Veterans Administration, the General Services Administration, the Department of Defense and the Postal Service with the authority to make arrests in the performance of their duties as such, when executing their responsibilities and acting according to the limitations imposed by the Enabling Act of their agencies, shall be deemed to be law enforcement officers of Puerto Rico and shall exercise the powers to arrest in the same manner and subject to the same substantive and procedural

provisions as law enforcement agents of Puerto Rico, pursuant to Rule 11 of the Rules of Criminal Procedure.”

Section 2.-Section 2 of Act No. 20 of January 20, 1995, as amended, is hereby amended to read as follows:

“Section 2.-For the purposes of this Act the term ‘law enforcement officers’ shall mean any special agents, officers and officials of the Department of Homeland Security, the Federal Bureau of Investigations (FBI), the U.S. Marshals Service, the Drug Enforcement Administration" (DEA), the U.S. Coast Guard, the Immigration and Naturalization Service, the Bureau of Alcohol, Tobacco and Firearms, the U.S. Secret Service, the U.S. Customs and Border Protection of the USDA Forest Service, the Office of Criminal Investigation of the Food and Drug Administration (FDA), the U.S Postal Inspectors, and the police of the Veterans Administration, the General Services Administration, the Department of Defense and the Postal Service with the duty of maintaining the public order and permission and authorization to make arrests in the exercise of their regular duties.”

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