

(H. B. 176)

(No. 251)

(Approved November 30, 2006)

AN ACT

To add Sections 25-A and 25-B to Act No. 13 of July 24, 1985, as amended, known as the “Puerto Rico Institute of Forensic Sciences Act,” to authorize persons or entities unconnected to the deceased to dispose of same ensuring burial or cremation if unclaimed, in accordance with the provisions in Act No. 296 of December 25, 2002; to establish a term to claim bodies, and to establish penalties.

STATEMENT OF MOTIVES

The Institute of Forensic Sciences of the Commonwealth of Puerto Rico was created primarily to determine the cause, manner and circumstances of death of any person whose decease is produced under any of the situations established by law. However, the identification and release of bodies to their families or relatives is also an important part of the Institute’s duties.

Section 25 of Act No. 13 of July 24, 1985, as amended, provides that after an autopsy or investigation by the Institute of Forensic Sciences, the body of the deceased is released to the next of kin or persons charged with the burial that are authorized by law for such purposes. The body is delivered to the next of kin or the person in charge, according to a preestablished order. First, the authority to dispose of the body belongs to the surviving spouse, the eldest child, the father or mother, and so forth, enumerating the persons authorized by law to carry out such an action.

Among the persons or entities authorized by law to take charge of the burial, others are not mentioned in spite of having the financial resources to carry out such a task, being denied for not having family connections with the deceased. The

Commonwealth is not exempted from its duty to dispose adequately of the deceased. The purpose of this Act is to ensure the burial or cremation of the deceased by any person or entity that may bury the deceased, in the absence of persons with priority to claim the body.

Furthermore, Act No. 13, supra, does not establish a fixed term for the persons with priority to claim the body to do so. This has caused that on occasion the Institute becomes involved in civil lawsuits for damages, filed by next of kin of the deceased that arrive too late to claim the body. This Legislature cannot fail to keep in perspective the duty of the persons toward their next of kin. The negligence and indifference of some persons cannot be rewarded. For this reason, Act No. 13 of July 24, 1985, as amended, known as the “Puerto Rico Institute of Forensic Sciences Act,” is hereby amended to authorize persons or entities unconnected to the deceased to dispose of same ensuring their burial or cremation, without affecting the provisions in Section 14 of Act No. 296 of December 25, 2002, with respect to the transfer and conservation of unclaimed bodies in the School Medical Sciences.

A mechanism is hereby established to verify that the person or entity is acting in good faith and in the spirit of helping their neighbor as a preventive measure. Thus, civism and good acts are fostered, and also a penalty is established for those who submit false information to take unlawful advantage of human suffering.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Section 25-A is hereby added to Act No. 13 of July 24, 1985, as amended, to read as follows:

“Section 25-A.- Disposal of the body to a specific person

Once the term of six (6) days as of the autopsy and investigation have elapsed and the body remains unclaimed in accordance with the provisions of Section 14 of Act No. 296 of December 25, 2002, any person or entity

may claim it for burial or cremation, provided that the following requirements are met:

- a) The person that claims the body shall be of legal age.
- b) The person that claims the body shall submit a negative criminal record certificate to the Institute.
- c) The person or entity that claims the body must have been connected in some manner to the deceased, or the deceased must have been a member of the claiming entity.
- d) If the person who claims the body is a member of a civic or religious entity, said person must provide a formal request issued by said organization to claim the body and to prove that the deceased was a member of said entity.
- e) By means of a sworn statement, the person or entity must:
 1. Prove the motive for claiming the deceased.
 2. Prove the connection to the deceased.
 3. Describe the steps taken to locate the next of kin of the deceased or prove knowledge of their whereabouts.
 4. State the name of the institution that shall bury or cremate the deceased.
 5. The person that claims the body shall present information or documents that attest to the information that is affirmed in the sworn statement to the Institute.

Once the term to claim the body as provided by this Act has elapsed, the Board cannot be held responsible for the release of the body to another person or entity that complies with the provisions of this Section. The Board shall not be civilly liable when it releases a body pursuant to the provisions

of Section 25-A, in the absence of a timely claim from a person with priority within the term provided by the law.”

Section 2.- Section 25-B is hereby added to Act No. 13 of July 24, 1985, as amended, to read as follows:

“Section 25-B.- False Information – Misdemeanor

If the person who claims the body submits false information to the Institute or uses the body for any activity other than burial or cremation, said person shall incur a misdemeanor, and if found guilty, shall be sanctioned with a maximum penalty of imprisonment for three (3) months, or a five hundred (500) dollar fine, or both penalties, at the discretion of the Court.”

Section 3.- The Board of the Puerto Rico Institute of Forensic Sciences shall adjust any regulations in effect to 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. 251 (H.B. 176) of the 4rd Session of the 15th Legislature of Puerto Rico:

AN ACT to add Sections 25-A and 25-B to Act No. 13 of July 24, 1985, as amended, known as the “Puerto Rico Institute of Forensic Sciences Act,” to authorize persons or entities unconnected to the deceased to dispose of same ensuring burial or cremation if unclaimed, in accordance with the provisions in Act No. 296 of December 25, 2002; to establish a term to claim bodies, and to establish penalties,

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

In San Juan, Puerto Rico, today 13th of March of 2007.

Francisco J. Domenech
Director