

(H. B. 1088)

(No. 175)

(Approved December 19, 1997)

AN ACT

To add a second paragraph to subsection (e) of Section 7 of Act No. 154 of August 5, 1988, as amended, known as the “Organic Act of the Juvenile Institutions Administration”, in order to authorize the Administrator to issue summons and to draft and take sworn statements on his/her own or through the Investigators of the Juvenile Institutions Administration.

STATEMENT OF MOTIVES

The Juvenile Institutions Administration faces the problem that the lawyers who work for the agency have dual functions, one as trial lawyers representing the Administration in judicial cases and another as the notary of sworn statements of the agency’s investigations. Act No. 154 of August 5, 1988, as amended, known as the “Organic Act of the Juvenile Institutions Administration”, empowers the Administrator to adopt measures or regulations leading to establish a speedy and reliable investigative process within the agency.

The problem arises when a lawyer of the Administration notarizes or signs as a witness a sworn statement of an employee of the Administration, and subsequently uses to contents of the statement to contest the testimony of an employee in an administrative or judicial procedure against the latter. To avoid a possible conflict of interest, it is necessary to empower the investigators of the agency to draft and sign their sworn statements, certifying or attesting to the veracity of an oath or of a specific fact.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- A second paragraph is hereby added to subsection (e) of Section 7 of Act No. 154 of August 5, 1988, as amended, to read as follows:

“Section 7.- The Administration shall have all the powers that are necessary and convenient to carry out the purposes and the provisions of this Act, including, without it being understood as a limitation, the following:

(a) . . .

(e) Conduct all types of studies and investigations on matters that affect the institutions’ system. For such purposes, the Administrator may require the information that is necessary, pertinent and essential to attain such purposes and approve those rules and regulations that are necessary and reasonable.

The Administrator may issue summons requiring the appearance of witnesses and the presentation of data or information to carry out the purposes of this Act. He/She may also, on his/her own or through the duly-authorized Investigators of the Administration, administer oaths and receive testimonies, data or information.

(f) ...”

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

January 21, 1999

José A. Figueroa-Lugo, Director of the Office of Legislative Services of the Legislature of Puerto Rico, hereby certifies to the Secretary of State that he has duly compared the English and Spanish texts of Act No. 175 (H.B. 1088) of the 2nd Session of the 13th Legislature of Puerto Rico, entitled:

AN ACT to add a second paragraph to subsection (e) of Section 7 of Act No. 154 of August 5, 1988, as amended, known as the “Organic Act of the Juvenile Institutions Administration”, in order to authorize the Administrator to issue summons and to draft and take sworn statements on his/her own or through the Investigators of the Juvenile Institutions Administration,

and finds the same are complete, true and correct versions of each other.

José A. Figueroa-Lugo

