

**BILL NO. 31-0173**

**Thirty-first Legislature of the Virgin Islands**

**July 10, 2015**

An Act amending 3 V.I.C., chapter 1, section 8b to extend burial death benefits to veterans who were domiciled outside of the Virgin Islands at their time of death

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**PROPOSED BY:** Senator Sammuell Sanes

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1 *Be it enacted by the Legislature of the Virgin Islands:*

2       **SECTION 1.** Title 3 Virgin Islands Code, chapter 1, §8b is amended by striking  
3 subsection (c) in its entirety and inserting the following:

4       “(c) (1) **Burial benefits.** The benefits provided by subsection (a) of this section shall be  
5 provided for the burial of:

6               (A) those veterans who were domiciliaries of the Virgin Islands at the time of  
7 death, who entered the armed services in the Virgin Islands;

8               (B) those veterans who were domiciliaries of the Virgin Islands at the time of  
9 death, who entered the armed services in another jurisdiction while temporarily residing  
10 in that jurisdiction; and

1           (C)     those veterans who were born in the Virgin Islands but domiciled outside  
2 of the Virgin Islands at the time of death, if such a veteran is not receiving veterans'  
3 burial benefits from the veteran's place of domicile or another jurisdiction is are going to  
4 be buried in the Virgin Islands.

5       (2)     ***Burial in Virgin Islands cemeteries.***

6           (A)(i) Burial in all Virgin Islands cemeteries, with spaces set aside for  
7 veterans, must be made available to all members of the Armed Forces and  
8 veterans discharged under conditions other than dishonorable who completed the  
9 required periods of service, as well as their spouses, minor children, and under  
10 certain conditions, unmarried adult children.

11           (ii)     Also eligible are members of the Army, Air Force, Navy,  
12 Marine and Coast Guard Reserves and the Army and Air Force National  
13 Guard with 20 years of qualifying service, or who die while on active duty  
14 for training, active duty, or territorial active duty, as well as members of  
15 the Reserve Officer Training Corps of the Army, Navy or Air Force who  
16 die on active duty for training.

17           (B)     If a surviving spouse of an eligible veteran marries a nonveteran,  
18 and the remarriage is terminated by death of or divorce from the nonveteran, the  
19 spouse is eligible for burial in the designated burial site set aside for veterans.

20           (C)     Only veterans who were bonafide residents of the Virgin Islands at  
21 the time they were either drafted or enlisted, whether residing in the Territory or  
22 attending college, are eligible for burial in the burial site set aside for veterans.”

**BILL SUMMARY**

This bill amends title 3, section 8b of the Virgin Islands Code relating to burial benefits for veterans. Under existing law, burial benefits are available to only those veterans who were domiciliaries of the Virgin Islands at the time of death and enter the armed services from the Virgin Islands, or who were domiciliaries of the Virgin Islands, but entered the armed services while temporarily residing in another jurisdiction. This bill extends the burial benefits to an additional category of beneficiaries- those veterans who were born in the Virgin Islands but domiciled outside of the Virgin Islands at the time of death, if they are not receiving veterans' burial benefits from their place of domicile or another jurisdiction and are going to be buried in the Virgin Islands.

**REVIEWER'S NOTE**

**THE BILL SHOULD BE FURTHER AMENDED TO STRIKE PRAGRAPH (c)(2)(C ), AND AMEND 3 VIC §8b BY STRIKING THE LAST SENTENCE IN SUBSECTION (c), BECAUSE BOTH THE BILL AND THE LAST SENTENCE IN THE EXISTING SUBSECTION (c) ARE INCONGRUOUS WITH (c)(1)(B) and (c)(1)(C). PARAGRAPH (1)(B) ALLOWS THE VETERAN WHO ENTERS THE SERVICE IN ANOTHER JURISDICTION TO RESIDE THERE "TEMPORARILY"; WHILE (c)(2)(C) LIMITS THE VETERANS RESIDING OUTSIDE THE VIRGIN ISLANDS TO ATTENDING COLLEGE. UNDER THE PROPOSED AMENDMENT TO THE STATUTE IN (c)(1)(C) OF THIS BILL, THERE IS NO REQUIREMENT FOR A VIRGIN ISLANDS-BORN VETREAN TO HAVE BEEN A BONAFIDE RESIDENT OF THE VIRGIN ISLANDS AT THE TIME SUCH A VETERAN ENTERED THE SERVICE. CONSEQUENTLY THIS BILL CONTAINS INTERNAL CONFLICTS, WHICH SHOULD BE RESOLVED BEFORE PASSAGE.**