

COMMITTEE ON HOMELAND SECURITY, JUSTICE  
AND PUBLIC SAFETY

12/7/2023-AMENDED AND REPORTED OUT TO THE FLOOR

10/10/2023-REPORTED OUT TO THE COMMITTEE ON RULES AND JUDICIARY

**BILL NO. 35-0127**

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

**September 12, 2023**

An Act amending title 14 Virgin Islands Code, chapter 89 relating to the invasion of privacy of accident and crime victims by first responders

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**PROPOSED BY:** Senators Marvin A. Blyden, Dwayne M. DeGraff,  
Novelle E. Francis, Jr., Alma Francis Heyliger,  
Donna A. Frett-Gregory, Javan E. James, Sr.,  
Angel L. Bolques, Jr. and Samuel Carrion  
Co-sponsor: Marise C. James

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

2       **SECTION 1.** Title 14 Virgin Islands Code, chapter 89 is amended by adding section  
3 1785 to read as follows:

4       **“§1785. Definitions relative to invasion of privacy by first responders; violation,**  
5 **penalty; liability, civil action, damages**

6       (a) As used in this section:

7           (1) “Disclose” means to sell, manufacture, give, provide, lend, trade, mail,  
8 deliver, transfer, publish, distribute, circulate, disseminate, present, exhibit, advertise, or  
9 offer.

10          (2) “First responder” means a law enforcement officer, paid or volunteer  
11 firefighter, paid or volunteer member of a duly incorporated first aid, emergency,  
12 ambulance, or rescue squad association, or any other individual who, in the course of his  
13 employment, is dispatched to the scene of a motor vehicle accident, crime, or any other  
14 emergency situation for the purpose of providing medical care or other assistance or any

1 other employee of the Government of the Virgin Islands on the scene acting as a part of  
2 the investigative or emergency response efforts.

3 (b) A first responder who is dispatched to or is otherwise present at the scene of a  
4 motor vehicle accident, crime, or any other emergency situation, for the purpose of providing  
5 medical care or other assistance, shall not photograph, film, videotape, record, or otherwise  
6 reproduce in any manner, or by any means, including, but not limited to, by use of a personal  
7 electronic device or a device belonging to their employing agency, the image of a person  
8 receiving medical care or other assistance, except in accordance with applicable rules,  
9 regulations, or operating procedures of the agency employing the first responder.

10 (c) A first responder shall not disclose any photograph, film, videotape, record, or  
11 other reproduction of an image by any means, including, but not limited to, by use of a personal  
12 electronic device or a device belonging to their employing agency, of a person receiving  
13 medical care or other assistance at the scene of a motor vehicle accident, crime, or other  
14 emergency situation without the prior written consent of the person, or the person's next-of-  
15 kin if the person cannot provide consent, unless that disclosure was for a legitimate law  
16 enforcement, public safety, health care, or insurance purpose or pursuant to a court order.

17 (d) A person who knowingly violates the provisions of subsection (c) of this section  
18 shall be guilty of a misdemeanor and subject to a fine not exceeding \$1,000 per violation.

19 (e) In addition to any other right of action or recovery otherwise available under the  
20 laws of this territory, a first responder who knowingly violates the provisions of subsection (b)  
21 or (c) of this section shall be liable to the person whose image was taken or disclosed, who may  
22 bring a civil action in the Superior Court. The court may award:

23 (1) actual damages;

24 (2) punitive damages upon proof of willful or reckless disregard of the law;

25 (3) reasonable attorney's fees and other litigation costs reasonably incurred; and

26 (4) such other preliminary and equitable relief as the court determines to be

27 appropriate.

1 (f)(1) Law enforcement agencies and agencies that employ first responders shall:

2 (A) Promulgate regulations consistent with this section, including, but not limited  
3 to, a policy on the use of personal and government issued cameras and recording devices  
4 used at emergency and crime scenes and a policy on the confidentiality of images of  
5 emergency and crime scenes and images related to a criminal investigation;

6 (B) Provide law enforcement officers and other first responders with copies of  
7 the adopted policies; and

8 (C) Cause a copy of this section to be posted at a location in the agencies that is  
9 readily accessible to all first responder and law enforcement officers.

10 (2) The failure of any law enforcement agency or an agency that employs first  
11 responders to implement any of the requirements under subsection (a) is not a defense for a  
12 violation of this section.

13 (g) The Virgin Islands Police Department shall include in the curriculum of the Virgin  
14 Islands Police Academy a course on the requirements of this section.

### 15 **BILL SUMMARY**

16 This bill amends title 14, chapter 89 of the Virgin Islands Code which regulates official  
17 records, documents, and reports. The bill adds as new section 1785 that prohibits first  
18 responders from the disclosure of any photograph, film, videotape, record, or other  
19 reproduction of an image by any means, including, but not limited to, by use of a personal  
20 electronic device or a device belonging to their employing agency, of a person being provided  
21 medical care or other assistance at the scene of a motor vehicle accident, crime, or other  
22 emergency situation without the prior written consent of the person, or the person's next-of-  
23 kin if the person cannot provide consent. This bill makes such a disclosure a misdemeanor and  
24 allows for a fine not to exceed \$1,000. It further provides a civil remedy for those persons  
25 damaged by the misdemeanor disclosure.

26 **BR23-0166/August 22, 2023/LMW**

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