

BILL NO. 35-0073

Thirty-Fifth Legislature of the Virgin Islands

May 3, 2023

An Act amending title 32 of the Virgin Islands Code to establish powers and duties for the horse racing commissions for each district and relating to antidoping of race horses to provide for regulation by district and joint horse racing commissions

PROPOSED BY: Senator Samuel Carrión

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 32, chapter 11 Virgin Islands Code, subchapter I is amended as follows:

(a) Section 202 is repealed and reenacted with amendments to read as follows:

“§202. Supervision and regulation of horse racing

(a) The Virgin Islands Horse Racing Commission, after due notice and public hearings, shall adopt, amend, and repeal regulations for horse racing. The Virgin Islands Horse Racing Commission may:

(1) prescribe the regulations and conditions by which the holding of horse races are governed;

(2) prescribe the qualifications of persons who engage in any horse racing activity;

(3) provide for the classification and registration of racehorses in the Virgin Islands as a condition precedent to eligibility for participation in horse races;

1 (4) authorize and regulate the use of mechanical and photographic devices
2 for the purpose, among others, of determining the development and order of finish
3 of races;

4 (5) provide for the licensing of trainers, jockeys, grooms and other persons
5 directly involved in the conditioning, handling, care or riding of horses in horse
6 races; but the joint Commissions may not license any person who has been
7 convicted of violation of any laws relating to traffic in, possession of, or use of
8 narcotic drugs, or of any felony involving moral turpitude;

9 (6) prescribe and provide for the imposition of administrative fines and
10 penalties, including suspensions and the revocation of licenses for violations of this
11 section or of any regulations promulgated under this subchapter, but the fines may
12 not exceed \$500 and such suspensions may not exceed six months, and no fine,
13 suspension, or revocation may be imposed except after due notice and hearing,
14 including representation by counsel, afforded the accused person. Any penalty that
15 involves a fine may be enforced in any Court of the Virgin Islands. No fine may be
16 imposed under this section for any act or omission that is a criminal offense under
17 any other provision of this Code;

18 (7) hold hearings in any matter concerning racing, to issue subpoenas for
19 the attendance of witnesses, to administer oaths and affirmations, and to examine
20 witnesses in all matters pertaining to this subchapter; and

21 (8) delegate to the St. Croix Racing Commission and to the St. Thomas-St.
22 John Racing Commission the exercise or implementation of any of the foregoing
23 powers with respect to any matters that affect horse racing only in the particular
24 island involved and which delegation is not otherwise inconsistent with the public
25 interest in the uniform administration and enforcement of this subchapter.

1 (b)Horse racing in the Islands of St. Croix and St. Thomas and St. John is
2 conducted under the supervision of the St. Croix Racing Commission and the St.
3 Thomas-St. John Racing Commission, as appropriate.

4 (c) The St. Croix Racing Commission and the St. Thomas-St. John Racing
5 Commission shall each appoint three stewards, two judges, one racing secretary, one
6 assistant racing secretary, gate handlers, and starters. One judge, two stewards and the
7 racing secretary appointed by each Commission shall serve for two years and the other
8 judge and other steward shall serve for one year; Thereafter appointments are for two
9 years, but any person appointed to fill a vacancy occurring before the expiration of a term
10 shall serve only for the remainder of the term. An appointee may be removed by the
11 pertinent Commission for cause. The racing secretary shall perform the necessary
12 administrative functions and the judges and stewards shall officiate at horse races. In
13 addition to other penalties provided for under this chapter, the judges and stewards, by a
14 majority vote, may suspend the license of any person for the violation of any provision
15 of this chapter or of any regulations promulgated hereunder, for not more than three
16 racing days but not to exceed sixty days. The officials may also institute proceedings
17 before the pertinent Commission for the imposition of fines or for the revocation or
18 suspension of licenses in excess of three racing days based upon charges of violations of
19 this chapter or any pertinent rule or regulation.

20 (d) Each Commission shall ensure that horses participating in horse races in their
21 respective district are examined by a licensed veterinarian before and immediately after
22 the race or races in which they participate. A horse to which drugs have been
23 administered or to which an electric battery or any similar device had been applied may
24 not participate in any race during the program. The order of finish of a race may not be
25 determined until after the post-race examination for electric batteries or any similar
26 device. If the administration of a drug or application of an electric battery or any similar

1 device to a horse is discovered after a race and before the order of finish is determined,
2 the horse must be disqualified. If a drug test returns with a positive result, the prize in
3 cash or otherwise must be returned. If the prize is not returned, the owner and trainer of
4 the horse must be disqualified from participating in any other races until the prize is
5 returned.

6 (e) No person may be designated, appointed, or employed as a judge, steward,
7 or in any capacity having to do with the enforcement or administration of this subchapter
8 who has any pecuniary interest, direct or indirect, in any horses registered for
9 participation in horse races in the Virgin Islands.”

10 (b) Section 204 is amended in subsections (a) and (b) by striking “Virgin Islands Horse
11 Racing Commission” and inserting “St. Croix Horse Racing Commission or the St. Thomas-
12 St. John Horse Racing Commission, as appropriate,” and by inserting “respective” before
13 “Commission”.

14 (c) Section 206 is amended by striking “Virgin Islands Horse Racing Commission”
15 and inserting “St. Croix Horse Racing Commission or the St. Thomas-St. John Horse Racing
16 Commission, as appropriate,” and by inserting “respective” before “Commission”;

17 (d) Section 207 is amended by striking “Virgin Islands Horse Racing Commission”
18 wherever it appears and inserting “St. Croix Horse Racing Commission or the St. Thomas-St.
19 John Horse Racing Commission, as appropriate”;

20 (e) In section 208, subsection (a) “Virgin Islands Horse Racing Commission” is
21 stricken, and “St. Croix Horse Racing Commission or the St. Thomas-St. John Horse Racing
22 Commission, as appropriate,” is inserted, and “respective” is inserted before “Commission”;

23 (f) In section 209, subsections (a) and (b) “Virgin Islands Horse Racing Commission”
24 is stricken and “St. Croix Horse Racing Commission or the St. Thomas-St. John Horse Racing
25 Commission, as appropriate,” is inserted;

1 (g) In section 211 (1) and (2) “Virgin Islands Horse Racing Commission” is stricken
2 and “St. Croix Horse Racing Commission or the St. Thomas-St. John Horse Racing
3 Commission, as appropriate,” is inserted;

4 (h) In section 212, subsection (a) “Virgin Islands Horse Racing Commission” is
5 stricken and “St. Croix Horse Racing Commission or the St. Thomas-St. John Horse Racing
6 Commission, as appropriate” is inserted, in subsection (c) in the first sentence “Virgin Islands
7 Horse Racing Commission” is stricken and “St. Croix Horse Racing Commission or the St.
8 Thomas-St. John Horse Racing Commission, as appropriate” is inserted, and in the second
9 sentence “respective” is inserted before “Commission” where it appears;

10 (i) In section 213, “Virgin Islands Horse Racing Commission” is stricken and “St.
11 Croix Horse Racing Commission or the St. Thomas-St. John Horse Racing Commission, as
12 appropriate” is inserted;

13 (j) In section 214, subsection (b) “Virgin Islands Horse Racing Commission” is
14 stricken and “St. Croix Horse Racing Commission or the St. Thomas-St. John Horse Racing
15 Commission, as appropriate,” is inserted, in subsection (c) “Virgin Islands Horse Racing
16 Commission” is stricken and “St. Croix Horse Racing Commission or the St. Thomas-St. John
17 Horse Racing Commission, as appropriate,” is inserted, and in subsection (h) “Virgin Islands
18 Horse Racing Commission” is stricken and “St. Croix Horse Racing Commission or the St.
19 Thomas-St. John Horse Racing Commission, as appropriate,” is inserted;

20 (k) In section 214a, subsections (a) and (b) “respective” is inserted before
21 “Commission”; and

22 (l) Section 214b is added and reads as follows:

23 “§ 214b. (a) Whoever having a horse entered in a horse race or having in his
24 custody or control such a horse permits the administration of any drug, or the application
25 of an electric battery or similar device to such horse, for the purpose of weakening or
26 stimulating the animal, or administers or causes to be administered any drug, or applies

1 or causes to be applied an electric battery or similar device to a horse entered in a race
2 for the purpose of weakening or stimulating the ability of the animal shall be fined not
3 more than \$1,000 or imprisoned not more than two year's, or both.

4 (b) In addition to the penalties provided for in subsection (a), the St. Croix Horse
5 Racing Commission or the St. Thomas-St. John Horse Racing Commission, as
6 appropriate, may revoke any license granted under this section to any person violating
7 the subsection (a) after due notice and hearing 'as provided in subsection (b) (6) of section
8 202 and prohibit the person from entering or attempting to enter any racetrack, or
9 facilities thereof, including stables, stalls, or stands. Any person who enters any such
10 prohibited area in violation of any order of the respective Commission is guilty of a
11 misdemeanor.

12 (c) Any person affected by the orders, decisions, license suspensions, or fines
13 imposed by the Virgin Islands Horse Racing Commission or the St. Croix Horse Racing
14 Commission or the St. Thomas-St. John Horse Racing Commission, as the case may be,
15 may appeal to the Superior Court of the Virgin Islands, but an appeal may not stay the
16 effects of the orders, decisions, suspensions, and fines while the court passes upon the
17 appeal, except by specific order of the court. In cases of fines, the person fined may
18 neither register nor enter a horse in a race unless the person deposits with the Virgin
19 Islands Horse Racing Commission the amount of the fine, which must be reimbursed if
20 the determination of the Court is favorable to the person fined. All appeals must be filed
21 with the court no later than 10 days days after notice of the Commission's decision has
22 been served on the aggrieved person.

23 (d) The members of the Virgin Islands Horse Racing Commission or the St.
24 Croix Horse Racing Commission or the St. Thomas-St. John Horse Racing Commission,
25 while acting within the scope of their duties as members of such Commission, are not
26 subject to any civil liability as a result of any of the Commissions' actions taken pursuant

1 to its duties and responsibilities, unless the conduct of the member or members is
2 determined by a court of competent jurisdiction to constitute willful wrongdoing or gross
3 negligence.”

4 **SECTION 2.** Title 32 Virgin Islands Code, chapter 11, subchapter II is amended:

5 (a) In section 215, subsection (a) (2) and (4) “Virgin Islands Horse Racing
6 Commission” is stricken and “St. Croix Horse Racing Commission or the St. Thomas-St. John
7 Horse Racing Commission” is inserted, in paragraphs (5) and (8) “Commission” is stricken
8 and “St. Croix Horse Racing Commission or the St. Thomas-St. John Horse Racing
9 Commission, as appropriate,” is inserted;

10 (b) In section 216, subsection (e) “respective” is inserted before “Commission”
11 wherever it appears;

12 (c) In section 217, subsections (c) and (e) by inserting “respective” before
13 “Commission” wherever it appears;

14 (d) In section 218, subsections (b), (d), and (e) “respective” is inserted before
15 “Commission” wherever it appears;

16 (e) in section 219, subsection (a) “Commission” is stricken and “St. Croix Horse
17 Racing Commission or the St. Thomas-St. John Horse Racing Commission, as appropriate,” is
18 inserted;

19 (f) In section 220 “Virgin Islands Horse Racing Commission” is stricken and “St.
20 Croix Horse Racing Commission or the St. Thomas-St. John Horse Racing Commission, as
21 appropriate,” is inserted and “respective” is inserted before “Commission”;

22 (g) In section 222 “Virgin Islands Horse Racing Commission” is stricken and “St.
23 Croix Horse Racing Commission or the St. Thomas-St. John Horse Racing Commission, as
24 appropriate,” is inserted;

25 (h) In section 223, subsection (a) in the first sentence “Virgin Islands Horse Racing
26 Commission” is stricken and “St. Croix Horse Racing Commission or the St. Thomas-St. John

1 Horse Racing Commission, as appropriate,” is inserted, in the second and third sentence
2 “respective” is inserted before “Commission”, in subsections (b) and (c) “respective” is
3 inserted before “Commission”;

4 (i) In section 224 “Virgin Islands Horse Racing Commission” is stricken and “St.
5 Croix Horse Racing Commission or the St. Thomas-St. John Horse Racing Commission, as
6 appropriate,” is inserted and in subsection (b) “respective” is inserted before “Commission”;

7 (j) In section 225, subsection (a) “Commission” is stricken and “St. Croix Horse
8 Racing Commission or the St. Thomas-St. John Horse Racing Commission, as appropriate,” is
9 inserted, and in subsection (b) in the first and second sentences “respective” is inserted before
10 “Commission”; and

11 (k) In section 226, subsection (a) “Commission” is stricken and “St. Croix Horse
12 Racing Commission or the St. Thomas-St. John Horse Racing Commission, as appropriate,” is
13 inserted.

14 **SECTION 3.** Title 32 Virgin Islands Code, chapter 21, article VI, section 434 is amended
15 in subsection (d), paragraph (1), by striking “Virgin Islands Horse Racing Commission” and
16 inserting “St. Croix Horse Racing Commission or the St. Thomas-St. John Horse Racing
17 Commission, as appropriate,”.

18 **SECTION 4.** Title 32 Virgin Islands Code, chapter 21, article IX, section 480 is amended
19 in subsection (b) by striking “Horse Racing Commission” and inserting “St. Croix Horse
20 Racing Commission or the St. Thomas-St. John Horse Racing Commission, as appropriate,”.

21 **SECTION 5.** Title 32 Virgin Islands Code, chapter 21, Article XV, section 802 is
22 amended by striking “Virgin Islands Horse Racing Commission” and inserting “St. Croix
23 Horse Racing Commission”.

24 **BILL SUMMARY**

25 This bill amends title 32 Virgin Islands Code, chapter 11, subchapter I by repealing
26 section 202 and reenacting with changes to establish the powers and duties for the horse racing

1 commissions for each district. Section 214b was added to address antidoping of race horses.
2 Sections 204 through 227, and sections 434, 480, and 802 are amended to reflect the changes
3 in authority reserved to the respective district Commission.

4 **BR23-0071A/March 20, 2023/AA/Revised March 22, 2023/GC/ Revised May 3, 2023/GC**