

**PRESENTATION OF ACTING ATTORNEY GENERAL  
IAN S.A. CLEMENT  
THIRTY-FIFTH LEGISLATURE OF THE VIRGIN ISLANDS  
COMMITTEE ON HOMELAND SECURITY, JUSTICE, AND PUBLIC  
SAFETY  
MAY 14, 2024**

Good afternoon, Chairman Gittens, Committee on Homeland Security, Justice and Public Safety members, legislative staff, and the viewing and listening audience.

My name is Ian S.A. Clement, and I am the Acting Attorney General of the Virgin Islands. I am honored to be invited to provide a few remarks regarding Bill No. 35-0243, as proposed by Senator Dwayne DeGraff. Bill No. 35-0243 seeks to amend Title 23 of the Virgin Islands Code, Chapter 5, Section 470, to require individuals to obtain permission from the Commissioner of the Virgin Islands Police Department (VIPD) before purchasing firearm components that will be mailed or shipped to the Virgin Islands. The Department of Justice has done a preliminary review and offers the following comments.

The stated purpose of Bill No. 35-0243 is to require a person to obtain permission from the Police Commissioner before purchasing firearm components that will be sent to the Virgin Islands. Unfortunately, the proposed statute is too ambiguous and criminalizes a broad category of conduct by failing to define “firearm component” within Title 23 V.I.C. § 451. This ambiguity could have serious consequences, as innocent or cosmetic modifications of a firearm could constitute a crime if not reported. For example, changing a grip from plastic to wood or adding a scope to a firearm could become illegal if firearm components remain undefined.

Additionally, by giving the Police Commissioner sole discretion to approve or deny requests for firearm components that will be sent to the territory, Bill No. 35-

0243 could run afoul of the recent United States Supreme Court decision in *New York State Rifle & Pistol Association v. Bruen*.<sup>1</sup> The Court in *Bruen* struck down a New York concealed carry license law and changed how Second Amendment challenges will be reviewed. The *Bruen* decision has yet to fully play out, as the Supreme Court suggests that any firearms regulation inconsistent with the nation's "historical tradition" would be invalid under the expanded, post-*Bruen* reading of the Second Amendment.

With that said, the following should be considered as you evaluate and vote on proposed Bill No. 35-0243:

First, I would consider defining firearm components in 23 V.I.C. § 451. Firearm components could specifically include barrels, slides, triggers, magazines, and any other mechanism designed to increase the rate of fire or reduce the weapon's identification.

Second, in consultation with VIPD, I would consider refocusing Bill No. 35-0243 into an anti-modification statute rather than an anti-import statute. Rewriting the Bill as an anti-modification law would make it a criminal act to alter a weapon to make it more lethal. The anti-modification law could include binary triggers that increase the rate of fire and extended magazines. It would also cover firearms altered to be less traceable, including removing the serial number.

Finally, I would urge careful consideration of any possible *Bruen* conflicts. The Court's *Bruen* decision is a crucial issue, particularly since the *Bruen* Court has opted for a historical analysis in place of individual discretion and the traditional means-ends testing.

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<sup>1</sup> *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. 1 (2022)

I thank the Committee for the invitation to testify on Bill No. 35-0243. This concludes my formal remarks, and I remain available for any members' questions.