03/25/2024-REASSIGNED TO THE COMMITTEE ON HOMELAND SECURITY, JUSTICE AND PUBLIC SAFETY 03/25/2024-SPECIAL ORDERED TO THE FLOOR

BILL NO. 35-0248

Thirty-Fifth Legislature of the Virgin Islands

March 25, 2024	
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A Resolution petitioning United States Congress to amend the Revised Organic Act of the Virgin Islands to authorize the people of the Virgin Islands to elect the Attorney General of the Virgin Islands

PROPOSED BY: Senator Alma Francis Heyliger

- WHEREAS, under section 11 of the Revised Organic Act of the Virgin Islands, the
- 2 Governor of the Virgin Islands has direct supervision and control of all the departments,
- 3 bureaus, agencies, and other instrumentalities of the executive branch of the Government of the
- 4 Virgin Islands;
- WHEREAS, in 1962, the Virgin Islands Department of Justice was established as an
- 6 executive department in the Government of the Virgin Islands under the title 3 Virgin Islands
- 7 Code, chapter 8;
- 8 WHEREAS, the Attorney General of the Virgin Islands, who is appointed by the
- 9 Governor, with the advice and consent of the Legislature, supervises and directs the Department
- of Justice;

WHEREAS, pursuant to the Revised Organic Act of the Virgin Islands, 48 U.S.C. § 1 2 1597(c), the Attorney General of the Virgin Islands holds office during the continuance in office of the Governor who appointed the Attorney General; 3 **WHEREAS**, the Legislature of the Virgin Islands affirms that the office of the Attorney 4 General and the Department of Justice shall be independent and accountable, and the Attorney 5 6 General shall uphold the integrity of these institutions ensuring they do not undermine the 7 independence mandated to uphold the rule of law. WHEREAS, Title 1-8.100 of the Justice Manual, an internal document of the United 8 9 States Department of Justice, containing general policies and guidance relating to the work of 10 the United States Attorney's offices, it states that "the rule of law depends on the even handed administration of justice"; that the legal decisions "must be impartial and insulated from 11 political influence"; and that the prosecutorial powers must be "exercised free from partisan 12 13 consideration"; WHEREAS, with the inherent conflicts the Virgin Islands have experienced in the past, 14 the Virgin Islands must revisit the independence of the Office of the Attorney General and its 15 16 location within the executive branch. WHEREAS, an Attorney General beholden to an administration is a recipe for 17 partisanship and protection instead of acting as an independent law enforcement official 18 ensuring the laws are faithfully executed; 19 WHEREAS, governments that use the enormous power of law enforcement to punish 20 their enemies and reward their allies are not constitutional republics; they are autocracies, and 21

as such, the territory's top law enforcement officer and the territory's law enforcement agency

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must be independent;

1	WHEREAS, the existence of laws in 43 states, the District of Columbia, and two
2	territories providing for the direct election of an Attorney General reflects the commitment to
3	the values of democracy and the recognition of the importance of public participation in shaping
4	the legal landscape; and
5	WHEREAS, to help ensure that the Office of the Attorney General and the Department
6	of Justice remain independent but accountable, the Attorney General must be elected by the
7	people; Now, Therefore,
8	Be it resolved by the Legislature of the Virgin Islands:
9	SECTION 1. The Legislature of the Virgin Islands, on behalf of the people of the Virgin
0	Islands, respectfully petitions the United States Congress to amend the Revised Organic Act of
1	the Virgin Islands to authorize the people of the Virgin Islands to elect the Attorney General of
2	the Virgin Islands and for the Legislature of the Virgin Islands to prescribe by law the Attorney
3	General's qualifications and term of office.
4	SECTION 2. The Attorney General must be a resident of the Virgin Islands for three
5	years preceding the election, at least thirty years of age, admitted to practice law in the Virgin
6	Islands for three years, and elected for a term of six years.
7	SECTION 3. The Executive Director of the Legislature of the Virgin Islands shall send
8	a copy of this Resolution to the President of the United States Senate, the Speaker of the United
9	States House of Representatives, and the Virgin Islands Delegate to Congress.
0	BILL SUMMARY
1	The bill petitions United States Congress to authorize the Virgin Islands to elect the
2	Attorney General of the Virgin Islands.

BR23-0085/November 7, 2023/YLT/Revised March 20, 2024/CBM