

COMMITTEE ON HOMELAND SECURITY, JUSTICE AND  
PUBLIC SAFETY

12/12/2023-HELD IN COMMITTEE

**BILL NO. 35-0179**

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

**October 18, 2023**

An Act amending title 14 Virgin Islands Code, chapter 61, relating to gambling violations, and title 32 Virgin Islands Code, chapter 13, relating to the Virgin Islands Lottery Commission, to strengthen the enforcement tools against illegal gambling and lottery

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**PROPOSED BY:** Senators Diane T. Capehart and Angel L. Bolques, Jr.

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1       **WHEREAS**, annual revenue generated by the Virgin Islands Lottery makes significant  
2 financial contributions to the local government and community organizations, has a positive  
3 effect on the community, and is a vital source of funding for the benefit of the public good;

4       **WHEREAS**, revenue generated by the Virgin Islands Lottery is used to provide funding  
5 for public schools, pharmaceutical assistance, the Government Employees Retirement System  
6 Retirees Bonus Program, Office of Veterans Affairs, and local Non-Profit Organizations,  
7 among others;

8       **WHEREAS**, illegal gambling and illegal lottery schemes deprive the public of this  
9 revenue;

1           **WHEREAS**, illegal gambling is a catalyst for violent crime, adversely impacts the  
2 quality of life in the Virgin Islands, and disrupts our neighborhoods and lawful businesses; Now  
3 therefore,

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

5           **SECTION 1.** Title 14 Virgin Islands Code, chapter 61 is amended in the following  
6 instances:

7           (a) Section 1221 is amended by inserting “, numbers game, parlay,” after  
8 “enterprise”.

9           (b) Section 1222 is amended in subsection (a) by striking “\$500” and inserting  
10 “\$1,000”.

11           (c) Section 1223 is amended in paragraph (2) by inserting “striking “\$200” and  
12 inserting “\$1,000” and by striking “1 year” and inserting “two years”.

13           (d) Section 1224 is amended--

14           (1) In subsection (1), after “opens”, by inserting a comma and striking “or”;  
15 by inserting “or engages in,” after “conducts,”; and inserting “or conducts sports  
16 betting,” after “other device,”.

17           (2) In subsection (3), by striking “\$200” and inserting “\$1,000”, and by  
18 striking “180 days” and inserting “two years”.

19           (3) By adding paragraphs (4) and (5) to read as follows:

20           “(4) “Sports betting” means the placing of bets or wagers, or the  
21 operation, conducting, or offering for play, betting or wagering on the  
22 outcome of any athletic event, sporting event, or similar contest, including  
23 single-game bets, teaser bets, parlays, over-under, moneyline pools,  
24 exchange betting, in-game betting, propositions bets, and straight bets.

1                   (5) The term “sports betting” does not include wagering on sports  
2                   games when such wagering is lawful under the laws of the Virgin Islands,  
3                   such as parimutuel betting conducted pursuant to title 32 Virgin Islands Code,  
4                   chapter 11, or fantasy sports contests permitted under the Unlawful Internet  
5                   Gambling Enforcement Act of 2006, 31 U.S.C. § 5362.”

6                   (e) Section 1225 is amended by striking “\$200” and inserting “\$1,000” and by  
7                   striking “180 days” and inserting “two years”.

8                   (f) Section 1226 is amended by inserting “including any digital devices” after  
9                   “gambling purposes”.

10                  **SECTION 2.** Title 14 Virgin Islands Code, chapter 61 is amended by adding sections  
11                  1227 and 1228 to read as follows:

12                  **“§ 1227. Forfeiture**

13                   (a) Property, whether real or personal, offered as a stake, or any money, property,  
14                   or other things of value staked, paid, bet, wagered, laid, or deposited in connection with  
15                   or as a part of any game of chance, lottery, gambling scheme or device, gift enterprise, or  
16                   other trade scheme unlawful under the laws of the Virgin Islands is subject to forfeiture.  
17                   Upon a conviction under this chapter, the court may order the forfeiture of any property,  
18                   funds, or assets involved in the unlawful activity proportional to the gravity of the  
19                   violation and the value of the property, funds, or assets associated with the offense.

20                   (b) In cases where multiple individuals or entities are involved in the unlawful  
21                   activity, the court may determine each party’s proportional share of forfeiture based on  
22                   the party’s degree of involvement, financial benefit derived from the activity, and other  
23                   relevant factors.

24                  **§ 1228. Civil remedies and fines**

1           The Attorney General may bring an action in the Superior Court against persons or  
2 entities involved in unlawful gambling under the laws of the Virgin Islands for a civil fine of  
3 up to \$10,000.”

4           **SECTION 3.** Title 32 Virgin Islands Code, chapter 13, section 246 is amended as  
5 follows:

6           (a) Subsection (i) is amended by striking “and” after “1222” and inserting “1224,  
7 1225, 1226, 1227, and 1228” after “1223”.

8           (b) Subsection (l) is added to read as follows:

9                       “(l) The proceeds from all real and personal property forfeited under 14  
10 V.I.C. § 1227 and all fines imposed under this chapter and 14 V.I.C. § 1228 shall  
11 be apportioned equally to the Virgin Islands Lottery Commission and the Virgin  
12 Islands Department of Justice.

13   **BILL SUMMARY**

14           The bill amends the VI Code sections relating to gambling violations and enforcement  
15 against illegal gambling & lottery by increasing the criminal penalties and fines from one year  
16 to two years of imprisonment, and \$200 and \$500 to \$1000, and adding sections for forfeiture  
17 of property and civil fines up to \$10,000. The bill also amends the definition of gambling to  
18 include sports betting.

19           **BR23-0635/September 29, 2023/YLT**