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December 5, 2024

Honorable Kenneth L. Gittens  
 Senate Majority Leader  
 Legislature of the Virgin Islands  
 Capitol Building  
 P.O. Box 1690  
 St. Thomas, VI 00804

Via Email: [senatorgittens@legvi.org](mailto:senatorgittens@legvi.org)

Re: Testimony on **Amendment 35-756** of Bill No. 35-0179  
 Committee on Homeland Security, Justice and Public Safety  
 10:00 am, Wednesday, December 11, 2024

**Dear Senator Majority Leader Gittens:**

I am writing on behalf of the Office of the Territorial Public Defender (OTPD) to express our neutral position on **Amendment 35-756 to Bill No. 35-0179**. (the “Amendment”). The Amendment revises the Virgin Islands' gambling laws by expanding relevant definitions, increasing penalties for organized criminal lottery enterprises, and enhancing penalties for unauthorized gambling activities.

The Amendment also establishes forfeiture procedures, allocating proceeds between the Department of Justice and the Lottery Commission, with funds earmarked for gambling addiction programs.

**Testimony Regarding Amendment 35-756 to Bill No. 35-0179**

Chairperson, members of the Committee on Homeland Security, Justice and Public Safety, and distinguished guests, thank you for the opportunity to submit this testimony on **Amendment 35-756 of Bill No. 35-0179**, which is entitled “An Act amending Virgin Islands Code, Title 14, Chapter 61, relating to gambling violations, and Title 32, Virgin Islands Code, Chapter 13, relating to the Virgin

Islands Lottery Commission, to strengthen enforcement tools against illegal gambling and lottery.”

The Amendment proposes significant revisions to the Virgin Islands’ gambling laws. The Amendment aims to improve enforcement, clarify definitions, and increase penalties associated with illegal gambling activities.

Key provisions of the Amendment include the expansion of gambling-related definitions, enhanced penalties for organized criminal lottery enterprises and unauthorized gambling activities, and the establishment of forfeiture procedures, with proceeds allocated to the Department of Justice and the Virgin Islands Lottery Commission. Notably, a portion of the forfeited proceeds will be earmarked for gambling addiction prevention and treatment programs.

## **Key Provisions**

### **1. Expanding Definitions of Gambling**

The Amendment revises Section 1221 of the Virgin Islands Code, broadening the definitions related to gambling. Specifically, it expands the term "lottery" to include "numbers game" and "parlay." Additionally, the Amendment introduces the term "Organized criminal lottery enterprise" to address unauthorized lotteries involving two or more persons operating for pecuniary gain.

### **2. Increasing Penalties for Organized Criminal Lottery Enterprises**

This Amendment increases penalties for those involved in organized criminal lottery enterprises. These enterprises typically involve multiple individuals and aim to deter and punish unlawful gambling activities that operate outside the legal framework.

### **3. Enhancing Penalties for Unauthorized Gambling Activities**

The Amendment also increases penalties for individuals engaging in unauthorized gambling activities, which include participation in criminal lottery enterprises. This section ensures stronger deterrents for those who engage in illegal gambling practices.

#### **4. Establishment of Forfeiture Procedures and Allocation of Proceeds**

The Amendment establishes procedures for the forfeiture of property tied to illegal gambling activities, ensuring clear distribution of proceeds. A portion of these proceeds will be directed towards law enforcement and anti-gambling programs.

#### **5. Funding for Gambling Addiction Programs**

The Amendment also addresses gambling addiction by earmarking a portion of forfeited proceeds for treatment and prevention programs. This is a crucial step in mitigating the harmful effects of gambling within the community.

The Bill accomplishes this by inserting language directing that “Proceeds from property forfeited under this section must be apportioned as provided in **“32 V.I.C. §246(1)”**, at the end of the Internal Section 1228 of Bill No. 35-0179.

Plainly written, the Amendment changes Internal Section 1228, as follows:

##### **“§ 1228. Civil remedies and fines**

The Attorney General may bring an action in the Superior Court against persons or entities involved in unlawful gambling under the laws of the Virgin Islands for a civil fine of up to \$10,000.” [“**Proceeds from property forfeited under this section must be apportioned as provided in 32 V.I.C. §246(1).”**”]

#### 35th Legislature Bill No. 35-0179

As currently proposed, [32 V.I.C. § 246\(1\)](#) will provide the following:

**(1) The proceeds from all real and personal property forfeited under 14 V.I.C. § 1227 and all fines imposed under this chapter and 14 V.I.C. § 1228 shall be apportioned as follows: forty-nine percent (49%) each to the Commission and the Virgin Islands Department of Justice to fund the enforcement of this chapter; and two percent (2%) to the**

**Commission to be used exclusively for programs to treat and prevent gambling addiction.**

[32 V.I.C. § 246\(1\)](#)

**Conclusion:**

The Office of the Territorial Public Defender (OTPD) submits a neutral position on Amendment 35-756 to Bill No. 35-0179, which seeks to amend the Virgin Islands gambling laws. The amendment aims to strengthen enforcement, clarify definitions, and increase penalties for illegal gambling activities. Key provisions include expanding the definitions of gambling-related terms, such as "lottery," "numbers game," and "parlay," as well as introducing the concept of an "organized criminal lottery enterprise" to address unauthorized lotteries involving multiple participants.

The amendment also enhances penalties for unauthorized gambling and establishes procedures for the forfeiture of assets tied to illegal gambling activities, with proceeds allocated to the Department of Justice and the Virgin Islands Lottery Commission. Notably, a very small portion of forfeited proceeds will fund gambling addiction prevention and treatment programs. However, the Bill does not identify the Agency or Department that will administer the funds to be utilized to pay for gambling addiction prevention and treatment programs.

The OTPD recognizes the potential benefits of the amendment but emphasizes the importance of clear and consistent application of these revisions.

Thank you kindly.



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Julie Smith Todman, Esq.  
Chief Territorial Public Defender