

COMMITTEE ON HOMELAND SECURITY, JUSTICE
AND PUBLIC SAFETY

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

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

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;

10 **WHEREAS**, illegal gambling is a catalyst for violent crime, adversely impacts the
11 quality of life in the Virgin Islands, and disrupts our neighborhoods and lawful businesses. Now
12 therefore,

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

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

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

6 (b) Section 1222 is amended in subsection (a) by striking “\$500” and inserting
7 “\$1,000”.

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

10 (d) Section 1224 is amended--

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

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

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

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

22 (5) The term “sports betting” does not include wagering on sports
23 games when such wagering is lawful under the laws of the Virgin Islands,
24 such as parimutuel betting conducted pursuant to title 32 Virgin Islands Code,

1 chapter 11, or fantasy sports contests permitted under the Unlawful Internet
2 Gambling Enforcement Act of 2006, 31 U.S.C. § 5362.”

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

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

7 **SECTION 2.** Title 14 Virgin Islands Code, chapter 61 is amended by adding sections
8 1227 and 1228 to read as follows:

9 **“§ 1227. Forfeiture**

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

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

21 **§ 1228. Civil remedies and fines**

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

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

3 (a) Subsection (i) is amended by striking “and” after “1222” and inserting “1224,
4 1225, 1226, 1227, and 1228” after “1223”.

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

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

10 **BILL SUMMARY**

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

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