

COMMITTEE ON DISASTER RECOVERY, INFRASTRUCTURE  
AND PLANNING

11/09/2023-AMENDED AND REPORTED OUT TO THE COMMITTEE ON RULES AND JUDICIARY  
10/10/2023-HELD IN COMMITTEE

06/02/2023-REASSIGNED TO THE COMMITTEE ON HOMELAND SECURITY, JUSTICE AND  
PUBLIC SAFETY

**BILL NO. 35-0086**

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

**May 31, 2023**

An Act amending title 3 Virgin Islands Code, chapter 1, section 10h to require background checks for all information technology personnel and employees of the Bureau of Information Technology, agencies that have data centers, and any employee who handles classified information

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**PROPOSED BY:** Senators Dwayne M. DeGraff and Angel L. Bolques, Jr.

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

**SECTION 1.** Title 3 Virgin Islands Code, chapter 1, section 10h is amended by adding subsections (e) and (f) to read as follows:

“(e) The Bureau of Information Technology and each territorial agency, department or independent instrumentality that uses, receives, or provides data processing services, shall conduct a confidential clearance on applicants approved for employment, including contractors at the Bureau, information technology (IT) personnel, and any employees of the referenced departments and independent instrumentalities who handle classified information. The Human Resources divisions of the three branches of government and all governmental instrumentalities shall conduct background checks with

1 the assistance of territorial law enforcement agencies and other certified reputable  
2 agencies that provide criminal background checks. Information obtained through  
3 background and credit report checks is for governmental purposes only and must be kept  
4 confidential.

5 (f) As used in this section, “classified information” means any information or  
6 data that is internal-only to an agency, confidential in nature, or restricted from public  
7 access.”

8 **SECTION 2.** Title 3 Virgin Islands Code, section 452 is amended by adding a subsection  
9 (e) to read as follows:

10 “(e)(1) The Human Resources divisions of the three branches of government  
11 and all governmental instrumentalities when hiring personnel shall conduct either a non-  
12 sensitive clearance or a confidential clearance. The non-sensitive clearance applies to all  
13 applicants and must include a local police record paid for by the applicant or a police  
14 record from the previous place of abode if living outside of the Virgin Islands for the last  
15 seven years before the date of application For Bureau of Information Technology  
16 applicants, information technology (IT) personnel in agencies with data centers, and other  
17 positions handling classified information, a confidential clearance check must be  
18 conducted once the applicant has been selected for the job and provided with an offer.  
19 The confidential clearance includes a local and federal criminal background check and  
20 credit report check performed by a certified, reputable agency that provides such  
21 background checks.

22 (2) The application process for applicants for employment must be conducted in  
23 the following manner:

24 (A) – The applicant applies for a position;

- 1 (B) – The application is reviewed by the Division of Personnel;
- 2 (C) – The application is sent to the hiring manager;
- 3 (D) – The selection and tentative offer are made; and
- 4 (E) – The non-sensitive clearance checks are conducted for all applicants.

5 (3) As used in paragraph (1), a non-sensitive clearance means a background check that  
 6 consists of a local police record or a police record from the locale where the applicant lived for  
 7 the last seven years prior to living in the Virgin Islands. A confidential clearance means a full  
 8 background investigation that includes a local and federal criminal investigation and credit  
 9 report check and applies only to employees of the Bureau of Information Technology, IT  
 10 personnel of all government agencies, departments, and instrumentalities, and individuals who  
 11 as contractors with these entities to handle classified information.

12 **BILL SUMMARY**

13 This bill amends title 3 Virgin Islands Code, chapter 1, section 10h to require background  
 14 checks be conducted with the assistance of the National Crime Center and territorial law  
 15 enforcement agencies for all information technology personnel and employees of the Bureau  
 16 of Information Technology, agencies that have data centers, and any employee who handles  
 17 classified information.

18 **BR23-0124/April 24, 2023/NS**

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