

2 V.I.C. § 5

§ 5. Privilege-Immunity of witnesses

~~A person sworn and examined before the Legislature, or any committee shall not be held to answer criminally or be subject to any penalty or forfeiture for any fact or act touching which he is required to testify. Any statement made or paper produced by such witness shall not be competent evidence in any criminal proceeding against the witness.~~

(a). As used in this section “transaction” means protection of a witness from any prosecution brought about relating to transactions to which he gave truthful testimony before the Legislature, and “use” means that neither compelled testimony nor any fruits of it can be used against the Witness.

(b). A person granted immunity by approval of a majority of the Senators of the Legislature in Formal Session, sworn and examined before the Legislature or any Committee thereof shall not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is so compelled to testify before the Legislature or produce evidence, nor shall testimony so compelled be used as evidence, in any criminal, or civil proceedings against him in any court of the Virgin Islands.

Summary

Title 2 §5 should be repealed in its entirety because the grant of immunity from prosecution for Confessed criminality or false statements under oath before the Legislature should be Discretionary as to the Legislature and not mandatory as it appears in the current statute. The Legislature would be authorized to use its sound discretion, given the circumstances in each instance.

2 V.I.C. § 28

§ 28. Executive Appropriation Act

(a) Notwithstanding the provisions of any general or specific law, no part or portion of any item of the Executive Appropriation Act, or in any other appropriation bills for operating expenses of any departments, agency or special fund, shall be expended for any other purpose but that specified, or any transfer between items made, without the expressed consent of the Committee on Finance of the Legislature and until a certificate of approval shall have been issued by the Governor and a copy of such certificate filed with the ~~Co-Chairmen~~ **Chairperson**, Committee on Finance of the Legislature. Transfer of amounts between departments shall be effected only by special appropriations.

In any case requiring approval of the Finance Committee such approval shall be granted only by a majority vote of the members of the Committee present and voting. Four members shall constitute a quorum. No action of the Committee shall be lawful unless taken at a formal meeting with prior notice to the members. Minutes of each formal meeting shall be maintained as a public record.

Summary

The statute makes reference to “Co-Chairmen” of the Legislature’s Finance Committee. In fact, the Finance Committee, as all committees, is chaired by a single senator, not two or more senators. The recommended change also suggests the neutral gender “chairperson”.

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2 V.I.C. § 73

~~§ 73. Governor's recommendations on compensation~~

~~During the regular session of the Legislature in each calendar year, the Governor may submit to the Legislature his recommendations with respect to the exact rates of pay, which he deems advisable, for the members of the Legislature, Provided, however, That the rates of pay of members of the Legislature may not be decreased under the authority of this section. All or part (as the case may be) of the recommendations of the Governor transmitted to the Legislature shall become the fifteenth day following the transmittal of such recommendations; but only to the extent that, between the date of transmittal of such recommendations and the beginning of the fifteenth day thereafter—~~

- ~~(1) there has not been legislation passed by the Legislature which establishes rates of pay other than those proposed by all or part of such recommendations,~~
- ~~(2) the Legislature has not passed legislation which specifically disproves all or part of such recommendations, or~~
- ~~(3) both~~

Summary

To repeal this 1969-era statute which authorizes the Governor to recommend the level of compensation for Senators.

2 V.I.C. § 76

§ 76. Senatorial allotments

(a) Each member shall receive a base allotment of 2% of the operating budget of the Legislative Branch for the operation of the member's senatorial office.

(b) The member designated by a resolution passed by the majority as President of the Senate, in addition to the base allotment, shall receive an additional allotment not to exceed 1% of the operating budget of the Legislative Branch to perform the additional responsibilities and duties of the Office of the President.

(c) Members designated as committee chairs by a resolution passed by a majority of senators, in addition to the base allotment, shall all receive an equal additional allotment not to exceed .5% of the operating budget of the Legislative Branch to perform the additional responsibilities of chairing their respective committees, except that the committee chairs of the Rules and Finance committees or their successor committees shall each receive a total allotment not to exceed 1% of the operating budget of the Legislative Branch to perform the additional responsibilities of chairing their respective committee.

(d) The member elected to the at-large seat, in addition to his base allotment, and in addition to any other allotment for chairing a senate committee, shall receive an additional allotment not to exceed 5% of the operating budget of the Legislative Branch to provide for the staffing of the member's offices in both districts. In the event the member elected to the at-large senate seat also becomes designated as the President of the Senate, that member's total allotment shall be no more than 3% of the operating budget of the Legislative Branch.

(e) The allotments granted under this section must be prorated from the date the member takes office on a monthly basis over the period of the allotment.

(f) The Legislature's Capital Improvements Budget shall not be included in the calculation of the 2% allotments for the operation of the members' operation of their senatorial offices.

Summary

The purpose of the amendment is to affirm that when calculating each Senators percentage allotment for operation of their respective offices, only the Operating Budget appropriation shall be considered. That part of the budget designed as the "Capital Budget" shall not be included in the calculation.

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Summary

To repeal this 1969-era statute which authorizes the Governor to recommend the level of compensation for Senators.

3 V.I.C. § 13

~~§ 13. Virgin Islands Museum of Fine Arts — Director; appointment; compensation and expenses~~

~~The Museum shall be headed by a Director who shall be appointed by the Governor. The Director shall serve at the pleasure of the Governor. The Director shall receive no compensation but in addition to per diem in lieu of subsistence and actual traveling expenses as prescribed by government regulation, shall be reimbursed for such other reasonable expenses as may be incurred in the discharge of his duties.~~

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3 V.I.C. § 14

~~§ 14. Exemption from taxes~~

~~The Museum shall not be required to pay any taxes or assessments on real property acquired and held by it for its purposes.~~

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3 V.I.C. § 27f(a)3

27f. Virgin Islands Commission on Aging

(a) The Virgin Islands Commission on Aging is established within the Office of the Governor for budgetary purposes and shall be herein referred to for purposes of this section only as the "Commission".

(1) The Commission shall be composed of the following persons:

(A) Four Commissioners or their respective designees from the following governmental departments, whose terms are coterminous with that of the Governor under whom they serve:

(i) The Department of Human Services;

(ii) The Department of Health;

(iii) The Virgin Islands Police Department;

(iv) The Department of Justice; and

(v) The Department of Sports, Parks and Recreation;

(B) The Executive Director of the Virgin Islands Housing Authority or a designee, who shall serve for as long as this person holds the position;

(C) Six representatives appointed by the Governor from community organizations, with three of the representatives from the St. Croix District and the other three from the St. Thomas/St. John District, with a minimum of one representative in this district from St. John, who shall serve a term of three years or longer as determined by the Commission's bylaws;

(D) The Director of the American Association of Retired Persons ("AARP") or a designee who shall serve for as long as the person holds the position;

(E) One representative from the Legislature of the Virgin Islands, appointed by the President of the Legislature, whose term is coterminous with that of the President of the Legislature who appointed him.

(2) The composition of the Commission representatives from the community appointed by the Governor, must be diversified to reflect the aging, social, economic, and ethnic diversity within the territory, with individuals across the age category reflecting the citizens 50 years of age and older.

(3) The Commission shall elect a chairperson from among the membership, and the ~~chairship~~ **chairmanship** must alternate ~~biannually~~ **biennially** between districts. The Commission may appoint persons to fill any of the six seats reserved for community organizations, if a seat is vacated before the term expires, as determined by the bylaws.

Summary

It appears from a reading of the re-established Commission on aging that each chairman of the Commission would serve for a period of two (2) years, and the chairmanship would alternate between the two Virgin Islands districts every two (2) years. However the term “bi-annually” was used in the statute rather than “biennially”. “Bi-annual” of course means every (6) months and “biennial” means every two (2) years. This amendment would correct the error, which if left to Stand would result in the awkward and inefficient changing of the Commission’s chairperson every six (6) months.

3 V.I.C. § 27c

§ 27c. Functions and duties

The ~~Assistant~~ **Coordinator** shall have the following functions and

duties: (a) Maintain close contact with the Office of the Washington Representative or Delegate to the United States House of Representatives in order to coordinate activities and to avoid undesirable duplication of effort.

(b) Acquire a thorough working knowledge of all Federal Programs offering grants, loans, subsidies or other opportunities for economic, social or technological advancement of the Virgin Islands.

(c) Become familiar with and follow closely the progress of proposed Federal Programs of interest to the Virgin Islands which are either the subject of proposed congressional legislation, Executive Order, or administrative rule or regulation.

(d) Acquire a working knowledge of specific procedures required in applying for or qualifying for the benefits offered pursuant to Federal Programs available to the Virgin Islands, and through appropriate action, require all Virgin Islands Departments and Agencies to adopt, update, or revise such plans and procedures as are necessary to ensure full participation with Federal guidelines.

(e) Submit quarterly reports to the Legislature and the Governor regarding the progress being made on applications for Federal Program benefits or rendering advice and counsel regarding legislation or the implementation of procedures or programs required or desirable in qualifying for Federal Program benefits.

(f) Act as liaison between the Government of the United States Virgin Islands and Federal Departments and Agencies offering Federal Program benefits, and maintain open lines of communication between the Legislature, the Governor, and the Federal Departments and Agencies concerned.

(g) Take such steps as are necessary in ascertaining whether Federal Program benefits are being properly expended, administered or applied locally to assure continued qualification for those benefits in the future. All departments, commissions, agencies and instrumentalities of the Virgin Islands Government shall cooperate fully with the Coordinator.

Summary

To clarify that the function and duties of the Federal Programs Coordinator are to be carried out by a "Coordinator" and not an "assistant" as inadvertently set out in section 27c.

3 V.I.C. § 27e

~~§ 27e. Virgin Islands Occupational Information Coordinating Committee~~

~~(a) There is hereby created within the Office of the Governor a committee to be designated as the "Virgin Islands Occupational Information Coordinating Committee", hereinafter referred to as the Committee. The purpose of the Committee shall be to improve the planning and operation of career and technical education training programs by implementing an occupation information system within the Territory.~~

~~(b) The Committee shall be composed of the director of each of the following agencies or his authorized representative:~~

- ~~(1) the Virgin Islands Board of Career and Technical Education;~~
- ~~(2) the Virgin Islands Employment Security Agency;~~
- ~~(3) the Virgin Islands Manpower Services Council; and~~
- ~~(4) the Division of Career and Technical Rehabilitation.~~

~~(c) The functions and objectives of the Committee shall be, subject to the availability of funds for such purposes and in cooperation with Federal and Territorial agencies designated herein, to:~~

- ~~(1) improve communication between the agencies comprising the Committee by—~~
 - ~~(A) developing a detailed list of Committee policies, goals and objectives;~~
 - ~~(B) developing and publishing newsletters, articles and papers describing information systems;~~
 - ~~(C) conducting workshops and/or seminars for administrators, planners and practitioners;~~
 - ~~(D) conducting meetings or conferences among Committee agencies;~~
 - ~~(E) providing displays and materials at conferences and meetings;~~
 - ~~(F) establishing focal contact points for occupational information; and~~
 - ~~(G) fostering the development, implementation and use of standard definitions between information systems.~~
- ~~(2) improve coordination between the Committee agencies by—~~
 - ~~(A) reviewing program and system requirements for duplication;~~
 - ~~(B) analyzing data activities for apparent redundancy and effecting necessary changes;~~
 - ~~(C) encouraging agreements between agencies relating to roles and responsibilities;~~
 - ~~(D) conducting meetings of information developers; and~~
 - ~~(E) surveying data users (planners, administrators, clients and students);~~
- ~~(3) develop an occupational information system by—~~
 - ~~(A) analyzing the existing system for utility and identifying present gaps;~~
 - ~~(B) determining occupational data needs of various user groups; and~~
 - ~~(C) adopting a standardized classification system;~~
- ~~(4) implement an occupational information system by—~~
 - ~~(A) fostering the use of the occupational information system;~~

- ~~(B) providing financial assistance to supplement existing activities;~~
- ~~(C) distributing occupational information system materials.~~

~~(d)~~

- ~~(1) The Committee shall be entitled to receive one hundred percent funding from the United States Department of Health, Education and Welfare — Employment and Training Administration, pursuant to the Education Amendments Act of 1976 (P.L. 94 482, § 103(a)), as amended. As a condition precedent to receiving federal funds, the Committee shall perform the following:
 - ~~(A) execute an agreement with the National Occupational Information Coordinating Committee;~~
 - ~~(B) select and designate its fiscal agent; and~~
 - ~~(C) adjust its budgeting to coincide with the federal fiscal year of October 1st to September 30th.~~~~
- ~~(2) The funds provided by the Federal Government shall be used for the following purposes:
 - ~~(A) base allocations in an amount not to exceed sixty five thousand dollars to establish the Committee and to fund a minimum of two staff positions; and~~
 - ~~(B) special purpose allocations to accomplish specific tasks expected to result in products that can be utilized in other states and to develop integrated information systems.~~~~

Summary

The functions of this 1978 Statue have long been assumed by the VI Department of Labor.

3 V.I.C. § 27c

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3 V.I.C. § 72

~~§ 72. Senior Citizens' Enrichment Act of 1977~~

~~(a) The Legislature finds that existing Federal Programs for the aged are inadequate to fulfill the needs of the senior citizens of this Territory. The purpose of this section is to require the Territory to supplement existing Federal programs and to establish and support new programs to be operated by the local government or non-profit organizations of senior citizens which will promote the independence, maximum functioning capacities, self-esteem and integrity of senior citizens.~~

~~(b) The Commissioners of Health and Human Services are directed to supplement existing Federal programs, the administration of which is currently within their respective areas of responsibility, and establish new programs consistent with the purposes of this section. Such programs shall include but not be limited to the:~~

~~(1) Expansion and supplementation of nutrition programs authorized by Federal law to include improved meals, transportation, modified diets and outreach;~~

~~(2) Expansion and supplementation of day care services for the aged and home health care programs to provide restorative care in community settings which provide opportunities for the disabled and elderly to remain in their own environment;~~

~~(3) Expansion and supplementation of volunteer stipend programs which provide meaningful tasks for senior citizens and creation and financial or other support of senior citizens training and service centers which may be operated by governmental agencies or by non-profit organizations of senior citizens under such terms as may be determined by the appropriate department or agency. Programs authorized by this section which may be sponsored by non-profit organizations of senior citizens may be supported by the government as the department or agency may determine, depending upon the availability of funds.~~

~~(4) There is hereby authorized to be appropriated to the Departments of Health and Human Services from available funds in the Treasury of the Virgin Islands for the fiscal year July 1, 1977 to June 30, 1978 such sums as may be necessary to implement the provisions of this section, which amounts shall remain available until expended.~~

Summary

This statute was enacted in 1977 to address perceived inadequacies in Federal Program Services to the Senior Citizens in the V.I. since that time the Human Services Department and other Departments have adequately provided the referenced services. The Statute: T.3 §72 should therefore, be repealed as redundant.

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- (e) The allotments granted under this section must be prorated from the date the member takes office on a monthly basis over the period of the allotment.
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Summary

The purpose of the amendment is to affirm that when calculating each Senators percentage allotment for operation of their respective offices, only the Operating Budget appropriation shall be considered. That part of the budget designed as the "Capital Budget" shall not be included in the calculation.

3 V.I.C. § 114 (13)

§ 114. Powers and duties of Attorney General; budget

(a) The Attorney General shall have the following powers and duties:

(1) except in cases where the United States attorney is representing the Government of the United States Virgin Islands at the request of the Governor, to appear for and represent the executive branch of the Government of the Virgin Islands before the courts in all civil proceedings in which the said Government, or any executive department, board, commission, agency, instrumentality or officer thereof is interested;

(2) to prosecute in the inferior courts all offenses against the laws of the Virgin Islands;

(3) to prosecute in the name of the People of the Virgin Islands, offenses against the laws of the Virgin Islands.

(4) to investigate violations of the laws of the Virgin Islands for which the executive branch of the Government of the United States Virgin Islands may invoke penalties, fines or forfeitures, or deny, suspend or revoke licenses, and to initiate and conduct appropriate proceedings in relation thereto;

(5) to employ such skilled experts, scientists, technicians, or other specially qualified persons as he deems necessary to aid him in the preparation or trial of actions or proceedings;

(6) to appear for and represent the executive branch of the Government of the United States Virgin Islands, and all departments, boards, commissions, agencies, instrumentalities or officers thereof, before all administrative tribunals or bodies of any nature, in all legal or quasi-legal matters, hearings or proceedings. All duties and functions with respect to the Government of the Virgin Islands, or any department, board, commission, agency, instrumentality or officer thereof, heretofore assigned to the United States attorney solely by virtue of laws of the Virgin Islands are hereby transferred to the Attorney General;

(7) to furnish legal advice to the Governor and all executive departments, boards, commissions, agencies, instrumentalities and officers of the Government of the United States Virgin Islands, concerning any matter arising in connection with the exercise of their official powers and duties, and to supervise and direct the legal business of every executive department, board, commission, agency, instrumentality and officer of the said Government;

(8) upon request of the Governor or the Legislature to render written opinions on any legal questions relating to the exercise of the power or duties of any department, board, commission, agency, instrumentality or officer of the Government of the United States Virgin Islands;

(9) to prepare drafts of regulations, and of contracts and other instruments in which the Government of the United States Virgin Islands is interested;

(10) to keep books in which he shall record all the official opinions given by him during his term of office, and deliver the same to his successor in office;

(11) to perform or discharge all such other duties, responsibilities and functions as may be provided for by law;

(12) to prescribe rules and regulations, not inconsistent with law or other regulations authorized by law, for the proper administration of the Department of Justice, the conduct of its officers and other personnel, the performance of its business, and the custody, use and preservation of the records, papers and property appertaining to it;

~~(13) to supervise, control and direct the officers and employees of the Office of the Marshal in the performance of their duties;~~

(14) to perform such other duties pertaining to the legal affairs of the Government of the United States Virgin Islands as may be assigned to him by the Governor;

(15) to render opinions on the legal sufficiency of all contracts and other instruments in which the Government of the United States Virgin Islands is interested and the best interests of the people of the Virgin Islands is served;

(16) [Deleted.]

(17) administer and enforce laws pertaining to ethics and conflict of interest.

Summary

Pursuant to T.4 Section 351, the Office of the Marshal is under the supervision of the Chief Justice of the Supreme Court. Therefore, Title 3, Section 114 (13) should be repealed in order to avoid confusion as to which entity supervises the Marshal's Service.

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(a) The Attorney General shall have the following powers and duties:

(1) except in cases where the United States attorney is representing the Government of the United States Virgin Islands at the request of the Governor, to appear for and represent the executive branch of the Government of the Virgin Islands before the courts in all civil proceedings in which the said Government, or any executive department, board, commission, agency, instrumentality or officer thereof is interested;

(2) to prosecute in the inferior courts all offenses against the laws of the Virgin Islands;

(3) to prosecute in the name of the People of the Virgin Islands, offenses against the laws of the Virgin Islands.

(4) to investigate violations of the laws of the Virgin Islands for which the executive branch of the Government of the United States Virgin Islands may invoke penalties, fines or forfeitures, or deny, suspend or revoke licenses, and to initiate and conduct appropriate proceedings in relation thereto;

(5) to employ such skilled experts, scientists, technicians, or other specially qualified persons as he deems necessary to aid him in the preparation or trial of actions or proceedings;

(6) to appear for and represent the executive branch of the Government of the United States Virgin Islands, and all departments, boards, commissions, agencies, instrumentalities or officers thereof, before all administrative tribunals or bodies of any nature, in all legal or quasi-legal matters, hearings or proceedings. All duties and functions with respect to the Government of the Virgin Islands, or any department, board, commission, agency, instrumentality or officer thereof, heretofore assigned to the United States attorney solely by virtue of laws of the Virgin Islands are hereby transferred to the Attorney General;

(7) to furnish legal advice to the Governor and all executive departments, boards, commissions, agencies, instrumentalities and officers of the Government of the United States Virgin Islands, concerning any matter arising in connection with the exercise of their official powers and duties, and to supervise and direct the legal business of every executive department, board, commission, agency, instrumentality and officer of the said Government;

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(15) to render opinions on the legal sufficiency of all contracts and other instruments in which the Government of the United States Virgin Islands is interested and the best interests of the people of the Virgin Islands is served;

(16) [Deleted.]

(17) administer and enforce laws pertaining to ethics and conflict of interest.

Summary

Pursuant to T.4 Section 351, the Office of the Marshal is under the supervision of the Chief Justice of the Supreme Court. Therefore, Title 3, Section 114 (13) should be repealed in order to avoid confusion as to which entity supervises the Marshal's Service.

3 V.I.C. § 125

§ 125. Board of Land Use Appeals

(a) The Board of Land Use Appeals, heretofore existing within the Department of Public Works, is continued within the Department of ~~Justice~~ **Planning and Natural Resources**.

(b) The Board shall be composed of nine members appointed by the Governor with the advice and consent of the Legislature; provided, that four members shall reside on the Island of St. Thomas, four members shall reside on the Island of St. Croix, and one member shall reside on the Island of St. John. Five members shall constitute a legal quorum with authority to hear and decide appeals.

(c) All members shall serve for a period of two years, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Each member shall serve until the appointment and qualification of his successor.

(d) The Board shall elect annually one of its members to serve as its Chairman.

(e) The members may be removed by the Governor for cause.

(f) In addition to the performance of its functions prescribed by law, the Board shall perform such functions as the Attorney General prescribes, or as required by federal law.

Summary

The Code provided that the Board of Land use appeals was transferred from the Department of Public Works to the Department of Justice in 1987. The Board would be better placed under the Department of Planning and Natural Resources; T. 29§ 236.

3 V.I.C. § 125

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Summary

The Code provided that the Board of Land use appeals was transferred from the Department of Public Works to the Department of Justice in 1987. The Board would be better placed under the Department of Planning and Natural Resources; T. 29§ 236.

3 V.I.C. § 360

~~§ 360. Bureau of Alien Affairs~~

~~There is hereby established within the Department of Labor a Bureau of Alien Affairs to be headed by a chief of such bureau which shall have the following powers and duties:~~

~~(1) to gather, correlate and interpret information and facts concerning all noneitizens in the Virgin Islands;~~

~~(2) to inquire into and make recommendations to appropriate agencies, public or private, on any matter concerning noneitizens;~~

~~(3) to investigate and make recommendations to the appropriate local or federal departments or agencies concerning the regulation of entry into the Virgin Islands of noneitizens;~~

~~(4) to hold public hearings, summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents and records of every kind and description, to take all necessary means to compel the attendance of witnesses, to procure testimony, oral and documentary, relative to his duties and functions;~~

~~(5) to maintain an information and orientation center for the benefit of noneitizens;~~

~~(6) to promote, assist and encourage the improvement of relations between employers and noneitizen employees;~~

~~(7) to assist in the coordination of activities of other public departments and agencies administering laws affecting noneitizens or their dependents;~~

~~(8) to investigate, compile and maintain complete and accurate data concerning the number of noneitizens in the Virgin Islands and their immigrant status;~~

~~(9) to determine that all rights and privileges granted by law to noneitizens or alien workers in the Virgin Islands on a temporary basis are upheld and to report infractions of such laws to the proper authority;~~

~~(10) to provide information to and to cooperate with representative noneitizen or alien organizations and self help agencies;~~

~~(11) to maintain a continuing surveillance to all aspects of the social, economic and cultural problems encountered by noneitizens and their dependents in the Virgin Islands, including but not limited to the areas of employment, housing, education, health, and social welfare;~~

~~(12) to promote the overall general welfare of noncitizens in the Virgin Islands;~~

~~(13) to recommend to the Governor, legislation concerning noncitizens and their general welfare, for submission to the Legislature;~~

~~(14) to perform such other duties in connection with noncitizens which may be referred to the bureau.~~

Summary

The statues creating a Virgin Islands Bureau of Alien Affairs (3VIC36O), an entire chapter relating to protection of resident workers (24VIC Chap. 6), and an additional section of the Code relating to the importation of “alien” workers to the Territory (24VIC 161) are no longer relevant in the 21st century and should be repealed.

The “Bonding” of “Aliens” is no longer practiced, and if continued may be described as “Human Trafficking”.

3 V.I.C. § 375

§ 375. Duties; costs of operation

(a) The Bureau shall exercise general control over persons arrested, detained, or sentenced by a court of law in accordance with the laws applicable to correctional institutions or rules properly promulgated.

(b) The Director or his designee shall visit each off-island housed sentenced prisoners at least once each year, to determine that appropriate educational, recreational, health services, and other conditions of incarceration are being provided to each Virgin Islands sentenced inmate therein.

(c) ~~(b)~~ The Bureau's costs of operation must be financed by the Legislature based on a budget submitted by the Director.

(d) ~~(e)~~ The Bureau shall perform such other duties and exercise such other powers as provided by law.

Summary

The Director or his/her designated representative shall not less than once yearly travel to and inspect each out-of-the-Territory correctional facility which houses Virgin Islands sentenced prisoners to determine that appropriate educational, recreational, health services, and conditions of incarceration is being provided to each Virgin Islands Inmates therein.

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- (c) The Bureau's costs of operation must be financed by the Legislature based on a budget submitted by the Director.**
- (d) The Bureau shall perform such other duties and exercise such other powers as provided by law.**

Summary

The Director or his/her designated representative shall not less than once yearly travel to and inspect each out-of-the-Territory correctional facility which houses Virgin Islands sentenced prisoners to determine that appropriate educational, recreational, health services, and conditions of incarceration is being provided to each Virgin Islands Inmates therein.

3 V.I.C. § 555b

§ 555b. Minimum salary for government employees

Notwithstanding any provision to the contrary in this subchapter, the minimum salary of full-time employees of the Government of the Virgin Islands, semi-autonomous agencies and independent instrumentalities of the Government of the Virgin Islands is \$27,040 per annum. No full-time employee of the Government of the Virgin Islands, semi-autonomous agency or independent instrumentality of the Government of the Virgin Islands may be paid less than \$27,040 per annum.

Summary

Amend to correct a punctuation error in §55b which was Amended on October 1, 2018.

4 V.I.C. § 24

§ 24. Assignment of retired justices and judges to sit in court

- (3) A judge of the Superior Court who has retired on retirement allowance may, with his consent, be recalled by the Supreme Court for temporary service within the judicial system.
- (c) Upon such recall or designation under subsection (a) or (b), the retired justice or judge shall have all the powers of a justice or judge of the court to which he is assigned, and while performing the duties of a justice or judge, shall be furnished office space, support staff, communication equipment and devices a telephone, and supplies as are furnished a justice of the Court. As compensation, a recalled or designated justice or judge shall receive a per-diem allowance fixed by the rules of the Supreme Court. In addition the recalled justice or judge shall be reimbursed for reasonable expenses actually incurred by him in connection with his assignment and shall be provided with such facilities as may be required in the performance of his duties. The per-diem compensation and expenses shall be paid by the Supreme Court or Superior Court, as provided by rules.

Summary

The amended language would require the Court to provide returning retired justices and judges with the full range of communication equipment and devices such as computers, telecommunication devices, cell phones and landline telephones' as may be necessary for the execution of his or her temporary duties, rather than simply a "telephone" as currently provided in the subsection.

4 V.I.C. § 112

§ 112. Jurisdiction of small claims; appearance in person

(a) The small claims division of the Superior Court has jurisdiction of all civil actions, concurrently with the civil division of the said court, wherein the amount in controversy does not exceed the sum or value of \$10,000, exclusive of interest and costs.

(b) Where the amount in controversy exceeds \$10,000, exclusive of interest and costs, a party may recover in the small claims division of the Superior Court a sum not exceeding \$10,000, with interest and costs, which recovery shall bar the recovery of the residue of such amount in controversy in the Superior Court or in any other court.

(c) The plaintiff in a complaint or the defendant in a counterclaim or cross claim may waive the excess of his claim over \$10,000, in order to bring it within the jurisdiction of the small claims division of the Superior Court.

(d) Neither party may be represented by counsel and parties shall in all cases appear in person except for corporate parties, associations and partnerships which may appear by a personal **non-lawyer** representative.

Summary

The amendment would encode court rulings which established that litigants in small claims court shall not be represented by lawyers.

4 V.I.C. § 287

§ 287. Proceedings when judge disqualified

~~Whenever the judge of the district court is disqualified under the provision of section 284 of this title to sit in any action or proceeding, he shall immediately notify the chief judge of the Third Judicial Circuit of his disqualification.~~ Whenever a judge of the Superior Court is disqualified he shall immediately notify the Chief Justice of the Supreme Court of his disqualification.

Summary

The amendment would limit the application of the section to disqualification of judges of the Superior Court and not as an extension to the (Federal) District Court as enacted under section 284 in 1954.

5 V.I.C. § 324

§ 324. Jury to be sworn

As soon as the trial jury in a civil action has been selected, an oath or affirmation shall be administered to the jurors to the effect that they and each of them will well and truly try the matter in issue between the plaintiff and defendant, and a true verdict given according to the law and evidence.

Summary

Correction of a grammatical error not corrected since 1921.

5 V.I.C. § 660

§ 660. Compensation and expenses of witness

A witness attending in the district court of the Virgin Islands, or before a district court commissioner, or before any person authorized to take his deposition pursuant to any rule or order of court, shall receive \$4 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and shall be reimbursed for his necessary and reasonable expenses of travel in going from and returning to his place of residence.

A witness who is not a salaried employee of the Virgin Islands or Federal government and who is not in custody and who is required to attend, as herein described, in a judicial division in which he does not reside, shall be entitled to an additional allowance of \$8 per day for subsistence including the time necessarily occupied in going to and returning from the place of attendance.

—Amended May 16, 1957, No. 160, § 27, Sess. L. 1957, p. 27.

Summary

To correlate the intent that the Superior Court has jurisdiction.

5 V.I.C. § 658

§ 658. Prisoner as witness

If the witness is a prisoner, confined in a prison within the Virgin Islands, an order for his temporary removal and production, before a court or officer, for the purpose of being orally examined, may be made by the district court.

Such order shall only be made upon the affidavit of the party desiring the order, or someone on his behalf, showing the nature of the action or proceeding, the testimony expected from the witness, and its materiality.

Summary

Correlating the intent that the Superior Court rather than District Court (VI OR US) has jurisdiction over production of locally housed prisoners.

5 V.I.C. § 1172

§ 1172. Usurpation of office or franchise; forfeiture of office; illegally acting as corporation

An action may be maintained in the name of the government of the Virgin Islands upon the information of the United States attorney or upon the relation of a private person against the person offending in the following cases:

- (1) When any person shall usurp, intrude into, or unlawfully hold or exercise any public office, or any franchise within the Virgin Islands, or any office in a corporation, either public or private, created or formed by or under the authority of the Virgin Islands; or,
- (2) When any public officer has done or suffered an act to be performed which, by the provisions of law, makes a forfeiture of his office; or,
- (3) When any association or number of persons acts within the Virgin Islands as a corporation without being duly incorporated.

Summary

The amendment would update the wording of the section to comport with the transfer of functions and authority from the 1921 era U.S. Attorney to the V.I. Attorney General.

5 V.I.C. § 1204

§ 1204. Clerk of district court as original assignee

In every such assignment the clerk of the district court shall be named as assignee.

Summary

The amendment would update this statute; unchanged since the 1921 Code was enacted.

5 V.I.C. § 2512

§ 2512. Admissibility of child's preliminary statements

No admissions or statements of a child made while in custody to law enforcement officers or made to the Attorney General or employees of the Youth Services Administration during the processing of the case shall be admissible in evidence against the child unless the government proves to the court's satisfaction the following:

- (a) That at all stages of the interrogation the child was informed of his constitutional rights against self-incrimination and understood them; and
- (b) That no physical force or coercion, promises, threats, or other unlawful means of inducement were employed in obtaining the confession, admission or other incriminating statement; and
- (c) That a parent or guardian who does not have an adverse position, a friendly adult, or the child's attorney was present at the interrogation when a statement was given.

—Added Sept. 24, 1983, No. 4855, § 2, Sess. L. 1983, p. 156.

Summary

The amendment would update the 1983 version of waiver-of-rights protocol to require waivers to be supported by the signature of the accused. The update would be recognition that children are far more susceptible to persuasion and coercion in custodial settings, and as such waivers should be formally supported by the signature of the child.

5 V.I.C. § 3520

§ 3520. Public Defender Administration Board

(a) There is created a board to be known as the "Public Defender Administration Board" consisting of five persons, one of whom shall be the president of the Virgin Islands Bar Association or his designee, two of whom shall be appointed by the Chief Justice of the Supreme Court, provided, however, that of the two members appointed by the Chief Justice of the Supreme Court, one shall be a resident of the St. Thomas/St. John District and one shall be a resident of the St. Croix district; one of whom shall be appointed by the Governor and one of whom shall be appointed by the President of the Legislature. The term of the members appointed by the Governor and the President of the Legislature shall be coterminous with those of the persons by whom they are appointed. Of the two members appointed by the Chief Justice of the Supreme Court, one shall serve for three years and one shall serve for two years. Vacancies on the Board shall be filled for the unexpired term of the vacant member. The Board shall elect from among their number a Chairperson and such other officers as they may determine. Members of the Board shall receive a per diem of \$75 for each day or part thereof spent in the performance of their official duties, plus any actual and necessary travel expenses.

(b) The Public Defender Administration Board shall hire and be authorized to terminate all personnel and staff for the Office of Public Defender upon the recommendation of the Chief Public Defender. The Board shall hear and decide on all complaints and grievances of employees. The Board shall promulgate rules and regulations governing employees rights and relations with the right of appeal as to any adverse decision of the Board available to any aggrieved employee, pursuant to Title 5, Section 1421 et seq., Virgin Islands Code. The Board shall approve the annual budget for the office.

(c) The members of the Public Defender Administration Board, while acting within the scope of their duties as members of such Board, shall not be subject to any personal or civil liability as a result of any of the Board's actions taken pursuant to its duties and responsibilities, unless the conduct of the member or members is determined by a court of competent jurisdiction to constitute willful wrongdoing or gross negligence.

—Added Jan. 5, 1979, No. 4254, § 1, Sess. L. 1978, p. 324; amended Feb. 18, 1992, No. 5775, § 1, Sess. L. 1992, p. 27; Aug. 20, 2010, No. 7178, § 6, Sess. L. 2010, p. 102; amended July 30, 2016, No. 7888, § 9(a), Sess. L. 2016, p. 113.

Summary

The amendment would increase the Per Diem of those who are eligible for same from \$75.00 to \$100.00 in recognition of the wide-ranging and important services which they must provide as members of Board of the Public Defender office. The Per Diem was last addressed in 2010.

5 V.I.C. § 3638

§ 3638. Prisoner as witness

When the testimony, for either the government or the defendant, of a material witness who is in custody within the Virgin Islands is desired, the court in its discretion may, upon the application of either the government or the defendant, issue an order for his temporary removal from the place where he is in custody, and for his production before the court. The order may be executed by the marshal or any of his deputies, or any member of the police force, and it shall be his duty to bring such person before the court and when his presence is no longer required as a witness to deliver such person back to the officer from whose custody the witness was received.

Summary

The amendment would update the 1921-era statute to recognize that material witnesses who are in custody of the Government may be housed in off-island penal facilities under contract with the government and may of necessity be required to be returned as witness in particular cases.

5 V.I.C. § 3541

§ 3541. Time of commencement of criminal action

(a) A criminal action shall be commenced within the following periods:

(1) For murder, felony child abuse, felony child neglect, any felony sexual offense perpetrated against a victim, human trafficking, embezzlement of public moneys, and the falsification of public records, there is no limitation of the time within which a prosecution shall be commenced.

(2) For any felony other than specified above, action shall be commenced with three years after its commission.

(3) For any misdemeanor, action shall be commenced within one year after its commission.

(b) If the defendant is out of the Virgin Islands when the offense is committed, the information may be filed within the term herein limited after his coming within the Virgin Islands, and no time during which the defendant is not an inhabitant of, or usually resident within, the Virgin Islands is a part of the limitation.

(c) Nothing in this section extends to persons fleeing from justice.

—Amended Feb. 20, 2002, No. 6497, § 3, Sess. L. 2002, p. 5; amended July 9, 2018, No. 8059, § 2, Sess. L. 2018, p. 114.

Summary

Correcting a grammatical error. The word should have been “within” not “with”.

5 V.I.C. § 3566

§ 3566. Use of force; escape or rescue; assistance

- (a) When the arrest is being made by an officer under the authority of a warrant, after information of the intention to make the arrest, if the person to be arrested either flees or forcibly resists, the officer may use all necessary means to effect the arrest.
- (b) To make an arrest, a private person if the offense is a felony, and a peace officer in all cases, may break open the door or window of a house, after having demanded admittance and explained the purpose for which admittance is desired, if the person to be arrested is in such house or if the person making the arrest has reasonable grounds for believing him to be therein.
- (c) Any person who has lawfully entered a house for the purpose of making an arrest may break open the door or window thereof if detained therein, when necessary for the purpose of liberating himself. An officer may do the same, when necessary for the purpose of liberating a person who, acting in his aid, lawfully entered for the purpose of making an arrest, and is detained therein.
- (d) If a person arrested escapes or is rescued, the person from whose custody he escaped or was rescued may immediately pursue and retake him at any time and in any place within the Virgin Islands. To retake the person escaping or rescued, the person pursuing may break open an outer or inner door or window of a dwelling house, if after notice of his intention he is refused admittance.
- (e) Any person making an arrest may orally summon as many persons as he deems necessary to aid him therein.

Summary

To update the 1921 Code Statute to add “apartment” to the structures to which officers may break open to effect an appropriate arrest.

5 V.I.C § 3567

§ 23567. Use of force; shots discharged at moving vehicles; prohibition

“§ 356. Use of force; shots discharged at moving vehicles; prohibition. When an arrest is being made by an officer after information of the intention to make the arrest has been conveyed, if the person to be arrested flees by a motor vehicle, the officer may not discharge a firearm at the moving vehicle, except in cases when a person in the vehicle is immediately threatening the officer or another person with deathly force by means other than the vehicle, or when the vehicle is intentionally being used as a deadly weapon and all other reasonable means of defense have been exhausted or are not present or practical.”

Summary

“ § 3567. Use of force; shots discharged at moving vehicles; prohibition. When an arrest is being made by an officer after information of the intention to make the arrest has been conveyed, if the person to be arrested flees by a motor vehicle, the officer may not discharge a firearm at the moving vehicle, except in cases when a person in the vehicle is immediately threatening the officer or another person with deathly force by means other than the vehicle, or when the vehicle is intentionally being used as a deadly weapon and all other reasonable means of defense have been exhausted or are not present or practical.”

6 V.I.C. § 1

§ 1. Construction and maintenance

The ~~Commissioner of Public Works~~ **Virgin Islands Port Authority** may plan, construct, maintain and repair all airports in the United States Virgin Islands, and cooperate with the Federal Government in doing so.

Summary

The amendment would merely document in the section the transfer of authority over airports construction and maintenance from DPW to the VI. Port Authority since 1961.

6 V.I.C. § 2

§ 2. Administration and use; revenues; Marine and Aviation Fund; expenses; grants

The ~~Commissioner of Commerce~~ Virgin Islands Port Authority, ~~through the Assistant Commissioner of Commerce for Marine and Aviation Services,~~ shall administer, manage, control, and use all airports in the United States Virgin Islands. All revenues received from the operation of the airports shall be covered into a special fund to be known as the "Marine and Aviation Fund". All expenses of administering said airports shall be paid from said fund on an annual budget basis to be enacted by the Legislature and approved by the Governor. The Legislature may make grants to the special fund from the general fund as may be needed to supplement the revenues of the special fund.

Summary

The amendment would set forth in the section that the VI. Port Authority assumed authority in 1968.

6 V.I.C. § 71 - 81

§ 71. Statement of purpose

It is hereby found that an obstruction has the potential for endangering the lives and property of users of ~~Harry S. Truman~~ **Cyril E. King** Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of ~~Harry S. Truman~~ **Cyril E. King Airport**; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of ~~Harry S. Truman~~ **Cyril E. King** Airport and the public investment therein. Accordingly, it is declared:

- (a) That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by ~~Harry S. Truman~~ **Cyril E. King** Airport;
- (b) That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
- (c) That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation or with just and proper compensation where required.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or marking and lighting of obstructions are public purposes for which the Virgin Islands Port Authority may raise and expend public funds and acquire land or interest in land.

§ 72. Short title

This chapter shall be known and may be cited as the “St. Thomas Airport Zoning Act”.

§ 73. Definitions

As used in this chapter, unless the context otherwise requires:

- (a) “Airport” means the ~~Harry S. Truman~~ **Cyril E. King** Airport.
- (b) “Airport elevation” is 24 feet above mean sea level.
- (c) “Approach surface” means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in section 75 of this chapter. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.
- (d) “Approach, transition, horizontal and conical zones” means those zones set forth in section 74 of this chapter.
- (e) “Board” means the Board of Land Use Appeals as defined in section 135 of Title 3, Virgin Islands Code, and section 236 of Title 29, Virgin Islands Code.

8 V.I.C. § 19

§ 19. Penalties

Whoever violates any provisions of this chapter, or of the regulations issued under this chapter, shall be fined not more than ~~\$200~~ **\$500** or imprisoned not more than 18 months or both.

Summary

To amend this 1934 ordinance to upgrade the penalties for mislabeling of alcoholic beverages Containers.

8 V.I.C. § 19

§ 19. Penalties

Whoever violates any provisions of this chapter, or of the regulations issued under this chapter, shall be fined not more than ~~\$200~~ **\$500** or imprisoned not more than one year, or both.

Summary

To amend this 1934 ordinance to upgrade the penalties for mislabeling of alcoholic beverages Containers.

8 V.I.C. § 106

§ 106. Penalties for violations

Whoever violates section 102, 104, or 105 of this title, or regulations issued pursuant to section 103 of this title, shall be fined not more than ~~\$200~~ **\$1,000** or imprisoned not more than one year, or both.

Summary

To Amend this 1960 Statute to impose more stringent penalties for violations of the labeling Statute for rum.

8 V.I.C. § 106

§ 106. Penalties for violations

Whoever violates section 102, 104, or 105 of this title, or regulations issued pursuant to section 103 of this title, shall be fined not more than ~~\$200~~ **\$1,000** or imprisoned not more than one year, or both.

Summary

To Amend this 1960 Statute to impose more stringent penalties for violations of the labeling Statute for rum.

8 V.I.C. § 161

§ 161. Liability for injury or damage resulting from intoxication

- (a) A person who sells or furnishes alcoholic beverages to a person of lawful drinking age does not thereby become liable for injury or damage caused by or resulting from the intoxication of such person. However, a person who willfully and unlawfully sells or furnishes alcoholic beverages to a person who is not of lawful drinking age, or who knowingly serves a person habitually addicted to the use of any or all alcoholic beverages may become liable for injury or damage caused by or resulting from the intoxication of such minor or person.
- (b) **For purposes of this section, the term “Person” shall be defined to include a physical being and businesses.**

Summary

The amendment would define the term “Person” to also include a business which may be subjected to liability for unlawfully dispensing or selling alcohol beverages to a person which resulted in injury or damages.

8 V.I.C. § 161

§ 161. Liability for injury or damage resulting from intoxication

A person who sells or furnishes alcoholic beverages to a person of lawful drinking age does not thereby become liable for injury or damage caused by or resulting from the intoxication of such person. However, a person who willfully and unlawfully sells or furnishes alcoholic beverages to a person who is not of lawful drinking age, or who knowingly serves a person habitually addicted to the use of any or all alcoholic beverages may become liable for injury or damage caused by or resulting from the intoxication of such minor or person.

Summary

12 V.I.C. § 1

§ 1. Functions of Commissioner of ~~Conservation and Cultural Affairs~~ Agriculture

Except as otherwise provided, the Commissioner of **Agriculture** ~~Conservation and Cultural Affairs~~ shall administer the provisions of this chapter.

Summary

This amends the catchline and body of the statute for greater clarity as to the management of the Department of Agriculture.

12 V.I.C. § 12

§ 12. Types of licenses; fees; deer tag

(a) A license to hunt birds or furred animals may be issued to citizens who have resided in the United States Virgin Islands for one year or more upon the payment of **\$10.00** ~~\$2~~ per season or fraction thereof.

(b) A license to hunt deer may be issued to such citizens upon the payment of **\$30.00** ~~\$3~~ per season or fraction thereof. One deer tag shall be issued with each deer license.

(c) A license to hunt birds and furred animals may be issued to other persons upon the payment of ~~\$40-~~ **\$50.00** per season or fraction thereof.

(d) A license to hunt deer may be issued to other persons upon the payment of **\$75.00** ~~\$25~~ per season or fraction thereof. One deer tag shall be issued with each deer license.

Summary

The amendments increase hunting license fees per season. The fees were implemented in 1946 and never increased.

12 V.I.C. § 13

§ 13. Permits to minors

(a) The Commissioner may issue to a minor not below the age of 16 a permit to hunt when accompanied by a licensed hunter—

(1) upon payment of the annual fees prescribed in this chapter; and

(2) upon certification by one of his parents or guardians of his age.

(b) Such licensed hunter shall be ~~severally equally~~ and jointly responsible for the acts of the minor while hunting in his company.

Summary

The amendment merely updates the “term of art” generally utilized in legal documentation: “Jointly or severally”.

12 V.I.C. § 15

§ 15. Replacement of lost or destroyed licenses

If a license is lost or destroyed a duplicate license may be issued upon the payment of **\$5.00**
~~\$1.~~

Summary

The amendment would upgrade the 1946-redacted fee of \$1.00 to \$5.00.

12 V.I.C. § 17

§ 17. Possession of hunting license while hunting

Whoever fails to carry his hunting license on his person while hunting or fails to make it available for inspection to any person duly authorized to make such inspections, shall be fined not more than ~~\$5~~ **\$10.00**.

Summary

The amendment would update this 1952 statute to provide the Department wider discretion to increase or decrease the penalty based on the conduct of the otherwise licensed hunter.

12 V.I.C. § 18

§ 18. Hunting without a license

Whoever hunts, except as provided for herein, without having obtained a hunting license issued by the Commissioner of **Agriculture** ~~Conservation and Cultural Affairs~~, shall be fined not more than ~~\$100~~ **\$200.00** or imprisoned not more than 60 days, or both.

Summary

The amendment would update this 1952 statute to provide the Department wider discretion to Increase or decrease the penalty based on the conduct of the otherwise licensed hunter.

12 V.I.C. § 36

~~§ 36. Hunting mongooses; bounties~~

~~(a) Mongooses may be hunted at any time of the year.~~

~~(b) The Commissioner shall pay the sum of 25 cents for each mongoose delivered, dead or alive.~~

~~(c) Whoever breeds the mongoose for the purpose of obtaining the bounty prescribed by this section shall be fined not more than \$25, and all the mongooses in his possession shall be confiscated and destroyed by the Commissioner.~~

Summary

A bounty of twenty-five cents for each mongoose captured “dead or alive” was enacted in 1922 when the animal may have been a pest. However, such a bounty to capture, destroy, or kill the animal is no longer appropriate as the animals numbers no longer support eradication..

12 V.I.C. § 32

§ 32. Season for hunting deer

(a) Hunting, killing, capturing or taking deer by any means is prohibited for a period of five years, commencing on July 1, 1971, except by the Commissioner or his designee in conjunction with and in furtherance of the program established by section 2722 of Title 19 of the Virgin Islands Code. At the end of such five-year period, the Commissioner shall restock deer destroyed during such period.

(b) With advance notice to land owners of the general area within which the Commissioner intends to hunt deer, the Commissioner or his designee may in the pursuit of deer and in conjunction with and in furtherance of the program described in subsection (a) hereof enter upon any lands or buildings with dogs or brush clearing equipment, if deemed necessary in the hunting, killing, capturing or taking deer. Any such entry shall be accomplished with reasonable care and the Government shall be liable for any damages caused to any such lands or buildings.

(c) Notwithstanding subsection (a) of this section, the Commissioner may prescribe a deer hunting season or seasons for all or part of the period of time between October 1, 1975, and September 30, 1976, inclusive; and shall provide adequate public notice thereof; provided, that—

(1) all hunting pursuant thereto shall be in accordance with the applicable requirements of this chapter and federal law;

(2) no such deer hunting season or seasons shall be prescribed unless the Commissioner, based on substantial evidence, finds that said season or seasons will not endanger the survival of the species on the island on which the deer will be hunted;

(3) the Commissioner may prescribe a hunting season for one or more of the islands of the territory or for only a part of any island or islands of the territory; and

(4) the Commissioner shall, at least two weeks prior to the date any proposed deer hunting season is to begin, publish for at least 5 consecutive publication days, the proposed commencement and termination dates of said season or seasons, inviting public comment thereon, which publication shall be in at least one newspaper of general circulation on each of the Islands of St. Thomas, St. John and St. Croix.

(d) Hunting, killing, capturing or taking deer by any means is prohibited except during a deer hunting season designated and established as provided for in this section.

(e) Fawns may not be hunted at any time.

(f) No deer shall be molested while it is swimming in water.

(g) Deer may not be hunted between the hours of dusk and dawn.

(h) Whoever violates this section shall be fined not less than ~~\$500.00~~ \$200 nor more than \$1,000 or imprisoned not more than 60 days, or both.

Summary

The amendment would increase the maximum fine for hunting deer in violation of this Chapter 1.

12 V.I.C. § 62

§ 62. Shipment of game birds from the United States Virgin Islands

No person may ship out any game birds from the United States Virgin Islands except that—

~~(1) a licensed hunter may take not more than 10 birds a week from the United States Virgin Islands;~~

(2) birds may be shipped for scientific or breeding purposes by special permission of the Commissioner.

Summary

This 1941 statute permitting licensed bird hunters to take a maximum of 10 birds per week from the VI. should be repealed because of the potential to irreparably deplete the wild bird stock in the Virgin Islands: a bird stock which is being impacted by climate and habitat changes.

12 V.I.C. § 121

§ 121. Enforcement of chapter

Conservation officers appointed by the Commissioner of ~~Conservation and Cultural Affairs~~
The Department of Planning and Natural Resources are primarily responsible for
enforcing the provisions of this chapter.

Summary

The amendment would set forth in the body of the section that DPNR and not CCA has
authority to enforce the chapter.

12 V.I.C. § 125

§ 125. Penalties for violation

Whoever violates any provision of this chapter shall be fined not more than ~~\$100~~ **\$200.00** or imprisoned not more than 180 days, or both. **Upon conviction, the defendant shall, in addition to a fine and/or imprisonment pay the cost for replacement of the trees or shrubs removed in violation of the chapter.**

Summary

Considering the high cost of replacing trees and brush unlawfully removed, the replacement cost should be borne by the violator.

12 V.I.C. § 145

§ 145. Penalties

(a) Any person or entity that violates any provision of this chapter by causing, contributing to, or permitting the injury of, removal, or destruction of a public tree, shrub or a heritage tree is subject to a civil penalty of not less than ~~\$100~~ **\$200.00**, but not more than \$500 for each violation. **The tree board may require in addition to the penalties set forth in this subsection that the violator shall pay a restoration fee which is equivalent to the cost of purchasing replacement trees and shrubs, and the planting of same.**

(b) Penalties may be imposed by the issuance of a citation by the Territorial Forester. Any person or entity served with a citation has 30 days to pay the fine or to appeal the citation to the Superior Court of the Virgin Islands.

Summary

The amendment would add a tree replacement cost provision to the section.

12 V.I.C. § 302

§ 302. Definitions

In this chapter, unless the context indicates otherwise, the following words, terms and phrases shall have the following meanings:

- (1) "Alien" means a person who is not a United States citizen by birth or naturalization.
- (2) "Angling" means fishing with hand line or rod with naturally or artificially baited hook.
- (3) "Closed season" means the period of time prescribed by the Commissioner during which it shall be unlawful to catch those species of fish, mollusks, crustaceans or other marine or aquatic animals that the Department may deem it advisable to protect during the spawning or breeding season or to restore the fauna in those areas where continuous fishing has depleted fish resources.
- (4) The verb "to catch" means the same as "to fish".
- (5) "Citizen" means any natural born or naturalized citizen of the United States of America.
- (6) "Coastal waters" means all marine or estuarine waters within the jurisdiction of the territory.
- (7) "Commissioner" means the Commissioner of Conservation and Cultural Affairs or his authorized designee or employee.
- (8) "Department" means the Department of Conservation and Cultural Affairs.
- (9) "Fish" includes, when used as a noun, fish, oysters, clams, conchs, crabs, lobsters, shrimps, turtles and other marine or aquatic animals, mammals, mollusks and crustaceans and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof.
- (10) The verb "to fish" in all its modes and tenses means to take or attempt to take fish by any method or means, whether or not such method or means results in their capture.
- (11) "~~Fisherman~~ Fisher" means any person engaged in fishing for commercial, sport or other purposes, in marine, estuarine or freshwaters within the territorial jurisdiction of the United States Virgin Islands; provided, that dealers in live fish for aquariums and ornamental purposes shall be excluded from this definition.
- (12) "Fishing" or "fisheries" shall include all acts involved in the use, setting up or operation of any device employed in killing, catching or capturing fish or in transporting or preparing fish for market.
- (13) "Import" means to land on, bring into, introduce into, or attempt to land on, bring into, or introduce into the territorial jurisdiction of the United States Virgin Islands, whether or not such landing, bringing or introduction constitutes an importation within the definition of the Customs laws of the United States.

(14) "Inland" means any area, including bodies of water, whether marine, estuarine or fresh, either landlocked or partially landlocked.

(15) "Lobster" means spiny lobster of the species *Panulirus argus*.

(16) "Person" shall include both natural and artificial persons.

(17) "Resident" means any natural person who has had the territory as his legal place of residence for one full year immediately preceding the time of consideration.

(18) "Sell" shall include offers for sale, possession for profit, exchange, negotiation or the engagement in any other activity of a commercial nature.

(19) The word "shall" is mandatory, not directory.

(20) "Short lobster" means any lobster measuring less than prescribed in section 319 of this chapter.

(21) "Take" with respect to marine or sea turtles means to harass, harm, pursue, hunt, shoot, kill, trap, capture, intentionally wound, or collect, or attempt to engage in any such conduct.

(22) "Territory" means the land and jurisdictional waters of the Virgin Islands of the United States.

(23) "Vessel" means any boat or other type of watercraft capable of being used as a means of transportation on water.

(24) "Virgin Islands" means the United States Virgin Islands.

Whenever the taking of fish is authorized, reference is had to taking by lawful means and in a lawful manner.

Any reference to the taking or having in possession of fish shall include the taking or having in possession of any part or portion thereof.

Summary

The current nomenclature for the fishing industry sport is "fisher". The amendment updates the Code.

12 V.I.C. § 303

§ 303. Duties of the Commissioner

(a) The Commissioner shall have the following powers and duties:

(1) To preserve, manage and protect the fishery resources of the territory in the inland and jurisdictional coastal waters thereof.

(2) To regulate the operations of all ~~fishermen~~ **fishers** vessels of this territory engaged in the taking of fishery resources within or without the boundaries of the territorial waters.

(3) To issue licenses, certificates and registrations for the taking of fishery resources and the processing thereof at sea or on shore within this territory.

(4) To secure and maintain statistical records of the catch of various species of fish by various gear, by area, and to make such records available to fishermen.

(5) To advise and assist ~~fishermen~~ **fishers** in the development and use of fishing gear and techniques.

(6) To provide fishing information to the public.

(7) To conduct scientific studies and research, and to publish, or cause to be published, and distributed the results of same to ~~fishermen~~ **fishers** and other interested persons. All of such duties and operations shall be directed to the broad objective of managing such fishery resources, in the interest of all people in the territory, to the end that they may produce the maximum sustained yield consistent with the protection and preservation of the breeding stock.

(b) The Commissioner shall administer, coordinate and enforce the provisions of this chapter, in cooperation with other appropriate departments of the Territorial and Federal Governments; and in particular shall coordinate his duties and activities with the Department of Commerce in the administration of its duties pursuant to chapter 27 of Title 11 of this Code.

(c) The Commissioner, subject to the provisions of chapter 25 of Title 3 of the Code, shall appoint such conservation officers, fisheries biologists, research staff and other personnel as are necessary to the proper and effective administration and enforcement of this chapter and rules and regulations promulgated hereunder.

Summary

The amendments would update current nomenclature from “fishermen” to “fishers”

12 V.I.C. § 312

§ 312. Registration, certification and licensing

(a) The administration and enforcement of Title 25, chapter 15 of the Code, regarding the identification and operation of motor boats, shall be vested in the Commissioner, and all fees and monies received under the provisions of said chapter shall be deposited in the Fish and Game Fund created under chapter 1, section 81a of this title; provided, that any and all vessels used for or engaged in commercial fishing or the hauling of traps, pots, nets or seines in the territory shall, in addition to the requirements of said chapter, conform to the requirements for displaying numbers and colors as hereinafter described in this section.

(b) In addition to the motorboat certificate of number fee imposed by Title 25, chapter 15, section 293 of the Code, a registration tax of fifty (\$50) dollars shall be required for all vessels, boats, schooners or launches used for commercial fishing purposes which are owned in whole or in part by an alien or nonresident of the territory. Such tax shall also be deposited in the Fish and Game Fund.

(c) The Commissioner, upon written application from any person eligible for a license hereinafter referred to, and upon payment of the prescribed fee, shall grant and renew transferable fishing licenses for the purpose of fishing in the jurisdictional waters of this territory. Such licenses, except as hereinafter provided, shall be granted only to individuals who are citizens of the United States, aliens with permanent residence status. ~~and aliens bonded as fishermen "fishers" who have resided in the territory for at least one year next preceding the date of application for such license~~ However, no license shall be issued to a minor under seventeen years of age except with the written consent of his or her parent, guardian or custodian and in the discretion of the Commissioner.

(1) The license granted in this subsection shall be transferable to immediate relatives and family members of the grantee.

(2) The license granted in this subsection shall be transferable to fisherman helpers.

Summary

The amendment updates the nomenclature.

17 V.I.C. § 53

~~§ 53. — Availability of funds for purposes of sections 52 and 53~~

~~Funds for the purposes of sections 52 and 53 of this title shall be made available by appropriations of the Legislature in the Annual Budget for the Department of Education.~~

Summary

Section 53 was the funding source for section 52 which dealt with the establishment of ninth grade education at the “Cruz Bay School. However, section 52 was repealed by Act No. 7026 § 2 in 2008. Therefore section 53 is a nullity and should be repealed.

17 V.I.C. § 761

§ 761. Legislative findings; intent

~~The Legislature of the United States Virgin Islands hereby finds that school violence is a problem in the territory's schools. The Legislature also finds that there needs to be a reshaping of the approach to combating school violence. The Legislature further finds that the imposition of penalties alone is an insufficient and ultimately unworkable device for curbing school violence. As such, the Legislature finds that there currently exist a need for the insertion of an in-school mechanism for assisting our youngsters with handling inter-personal and inter-group conflicts without resorting to violent behavior. The Legislature proposes to implement a school based, conflict resolution education program. The intent of conflict resolution education and consequently this chapter is to reduce violence, vandalism, chronic absence, and suspension in Virgin Islands schools. The goals of conflict resolution education are as follows:~~

- ~~(1) offer problem-solving processes that can improve the school climate;~~
- ~~(2) offer Virgin Islands students an alternative to self-destructive violent behavior when faced with interpersonal and inter-group conflicts;~~
- ~~(3) help students and teachers deepen their understanding of themselves and others, thus developing important life skills;~~
- ~~(4) provide training in negotiation, mediation, and consensus decision making as a means of encouraging a high level of citizenship activity;~~
- ~~(5) shift the responsibility for solving nonviolent conflicts to students so that adults can be free to concentrate more on teaching and less on discipline; and~~
- ~~(6) create behavior management systems that are more effective than detention, suspension, or expulsion in order to deal with conflict in the school setting.~~

The Legislature of the Virgin Islands hereby finds that school violence is prevalent in the territory's schools. The Legislature finds that there must be a reshaping of the approach to combating school violence. The Legislature further finds that the imposition of penalties on student perpetrators alone is an insufficient and ultimately unworkable device for curbing school violence. The Legislature therefore finds that there exists a need for the insertion of an in-school mechanism for assisting students with handling inter-personal and inter-group conflicts without resorting to violent behavior. The Legislature by this Act mandates the implementation of a school-based, conflict resolution education program. The intent of conflict resolution education, and consequently this chapter, is to reduce violence, vandalism, chronic absenteeism, and suspensions in Virgin Islands Schools. The goals of conflict resolution education program are as follows:

- (1) offer problem-solving processes that can improve the school climate;**
- (2) offer Virgin Islands students an alternative to self-destructive violent behavior when faced with interpersonal and inter-group conflicts;**
- (3) assist students and teachers to deepen their understanding of themselves and others, thus developing important appropriate life skills;**
- (4) Provide training in negotiation, mediation, and consensus, decision making as means of encouraging high levels of citizenship activity;**
- (5) shift the responsibility for solving nonviolent conflicts to students so that teachers can be free to concentrate more on teaching and less on discipline; and**
- (6) create behavior management systems that are more effective than detention, suspension, or expulsion of students in order to resolve conflicts in the school setting.**

Summary

To re-tool the Legislatures 1998 findings” to the realities of todays modern schools and the attendant 21st century conflicts and violence in schools.

17 V.I.C. § 60b

§ 60b. Concussions; legislative findings, guidelines, procedure, training

(a) The Legislature finds that:

(1) Concussions are one of the most commonly reported injuries in children and adolescents who participate in sports and recreational activities.

(2) The Centers for Disease Control and Prevention estimates that as many as 3,800,000 sports-related and recreation-related concussions occur in the United States each year.

(3) A concussion is caused by a blow or motion to the head or body which causes the brain to move rapidly inside the skull **and forces the brain against the inside of the skull.**

(4) The risk of catastrophic injuries or death is significant when a concussion or head injury is not properly evaluated and managed.

(5) Concussions are a type of brain injury that can range from mild to severe and can disrupt the way the brain normally works.

(6) Concussions can occur in any organized or unorganized sport or recreational activity and can result from a fall or from players colliding with each other, the ground, or with obstacles. Concussions occurs with or without loss of consciousness, but the vast majority occur without loss of consciousness.

(7) Continuing to play sports with a concussion or symptoms of head injury leaves the young athlete especially vulnerable to greater injury and even death.

(8) The Legislature recognizes that there is a critical need for standards for concussion and head injury to prevent athletes from prematurely returning to play, resulting in actual or potential physical injury or death to youth athletes in the Virgin Islands.

(b) The Board shall develop and distribute to each public school guidelines on policies to inform and educate coaches, student-athletes, and their parents or guardians of the nature and risk of concussions, criteria for removal from and return to play, and risks of not reporting the injury and continuing to play. The Department shall develop policies and procedures regarding the identification and handling of suspected concussions in student-athletes.

(c) In order to participate in any extracurricular physical activity, each student-athlete and the student-athlete's parent or guardian shall review, on an annual basis, information on concussions provided by the Department. After having reviewed materials describing the short- and long-term health effects of concussions, each student-athlete and the student-athlete's parent or guardian shall sign a statement acknowledging receipt of such information, in a manner approved by the Board of Education.

(d) A student-athlete suspected by that student-athlete's coach, athletic trainer, or school physician or school nurse of sustaining a concussion or brain injury in a practice or game must be removed from the activity at that time.

(e) A student-athlete who has been removed from play, evaluated, and suspected to have a concussion or brain injury may not return to play any time during that same week nor until evaluated by an appropriate licensed health care provider as determined by the Board and in receipt of written clearance to return to play from such licensed health care provider.

(f) As used in this subsection, "coach" means a person who instructs or trains members on a school athletic team, as identified by criteria established by the Board.

(1) The Department of Education shall ensure that coaches receive annual training to learn how to recognize the symptoms of a concussion and how to seek proper medical treatment for a person suspected of having a concussion;

(2) The board shall establish by regulations the requirements of the training described in paragraph (1) of this subsection, but the training must include:

(A) The recognition and proper response to concussions;

(B) Timelines to ensure that, to the extent practicable, every coach receives the training described in subparagraph (A) of this paragraph before the beginning of the season for the school athletic team; and

(C) Such other requirements as the Board may consider appropriate.

Summary

To clarify the definition of "concussion" as not solely the rapid movement of the brain inside the skull, but rather the sudden rapid movement of the brain which causes it to impact the inside of the skull which can then cause bruising of the brain.

17 V.I.C. § 60c

§ 60c. Site based management

(a) The Commissioner of Education shall develop policies and guidelines for the implementation of site-based management and control of the acquisition process for all public high schools in the Virgin Islands which will allow individual public high schools maximum operational and budgetary flexibility and ability to plan comprehensively. The Commissioner in effectuating the provisions of this section may utilize the Dolan Model of School Management. The Commissioner shall submit a progress report by June 30, 2002, to the Legislature of the Virgin Islands noting the status of the development of policies and guidelines for the implementation of the site-based management.

(b) Not later than 30 working days following the effective date of the annual budget for the operation of the Government of the Virgin Islands, the Director of the Office of Management and Budget shall make available the annual allotments to each of the public high schools in the Territory necessary to carry out the provisions of school site-based management to allow individual public high schools maximum operational and budgetary flexibility. The Commissioner shall submit a progress report by June 30, 2002, to the Legislature of the Virgin Islands noting the status of the development of policies for the implementation of a reliable substitute teacher pool.

(c) The principals and administrators of the public high schools in the Virgin Islands in collaboration with the Commissioner and Board of Education and the University of the Virgin Islands, are authorized to assist in the development and implementation of policies for the establishment of a reliable substitute teacher pool, and student awards and attendance incentive program in the public high schools of the Virgin Islands.

(1) Each principal of an elementary school, a junior high or a senior high school in the Virgin Islands may issue payroll checks to substitute teachers from the Substitute Teachers Pool, established in this subsection.

(2) Two weeks before the commencement of the school year, the Commissioner of Finance shall fund a school's substitute teacher's pool to fund the cost of any necessary school repairs and improvements for school accreditation and compliance as follows:

(A) \$150,000 for a senior high school;

(B) \$100,000 for a junior high school; and

(C) The sums in subparagraphs (A) and (B) shall remain available to the particular school until expended.

(3) The Department of Education shall establish rules and regulations for the operation and management of the substitute teacher's pool.

Summary

To insert the word “to” which was inadvertently omitted from the sentence so that the clause will correctly read as follows: “the Commissioner of Finance shall fund a schools substitute teacher’s pool “to” fund the cost of any necessary school repairs...”

17 V.I.C. § 61a

§ 61a. School calendar

- (a) The school year must begin not later than the second week in August and end not later than the last Friday in May and must be divided into two semesters, semester one which ends not later than December 23rd and semester two, which ends not later than the last Friday in May.
- (b) The Department of Education shall set the school calendar.
- (c) The school calendar must include no less than a minimum of 180 days of student instruction.
- (d) In the event of the declaration of a state of emergency, the Department of Education may reasonably adjust the number of hours of pupil instruction mandated by subsection (c) of this section.
- (e) Each student shall receive the following minimum amount of instructional hours per school year:
- (1) Kindergarten through 3rd Grade - 810 instructional hours;
 - (2) 4th Grade through 6th Grade - 900 instructional hours; and
 - (3) 7th Grade through 12th Grade - 990 instructional hours.
- (f) Each student shall receive the following minimum amount of instructional hours per school day:
- (1) Kindergarten through 3rd Grade - 4.5 instructional hours;
 - (2) 4th Grade through 6th Grade - 5.0 instructional hours; and
 - (3) 7th Grade through 12th Grade - 5.5 instructional hours.
- (g) A total of 1080 instructional hours must be used each school year. The difference between the 1080 instructional hours and the minimum instructional hours must be utilized for staff development as follows:
- (1) a minimum of three days for staff development;
 - (2) a minimum of three days for classroom preparation; and
 - (3) a minimum of two days for parent conferences and open houses.
- (h) For purposes of this section, a day consists of six instructional hours.

Summary

To correct a typographical error in the subsection to insert the word “of” between Department and Education so that the wording will read Department ‘or’ Education, rather than “Department “or” Education.

17 V.I.C. § 91

§ 91. Expulsion of pupils; appeal

§ 91. Expulsion of pupils; appeal

(a) The Commissioner of Education may authorize or order the expulsion from public school of any pupil guilty of gross misconduct or persistent disobedience, ~~or having bad habits,~~ or being in a physical condition detrimental to the best interests of the school, in accordance with regulations prescribed by the Virgin Islands Board of Education., **and after a hearing on the merits of the recommended expulsion order.** Any parent aggrieved by such expulsion may appeal to the Board for review of such order within 30 days after the date thereof.

(b) The Commissioner of Education shall order the expulsion from public school for a period of not less than one year of any pupil who brings or possesses a firearm, as defined in 18 U.S.C. 921(a), on school property or at a school function.

(1) "School property" means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus or at a school function.

(2) "School function" means any event or activity that is under the supervision and control of a public school.

(c) Notwithstanding subsection (b), the Commissioner of Education or the Virgin Islands Board of Education on appeal, may modify, in writing, the length of the expulsion on a case-by-case basis based on the specific circumstances surrounding each incident.

(d) Any parent or guardian aggrieved by such an expulsion may appeal to the Board of Education for review of such order within thirty (30) days after the date thereof.

Summary

To delete an ambiguous phrase; "having bad habits" as one of the criteria for expelling a Student from school and to more clearly set fourth that in accord with the regulations prescribed by the Board of Education, the expulsion of a student can only occur after a "hearing on the merits".

17 V.I.C. § 161

§ 161. Special secondary scholarships for students from St. John

(a) There is created a special scholarship for students from ~~the District of~~ St. John who are attending classes at the Charlotte Amalie High School in St. Thomas in the amount of \$30.00 per month per student to be paid during each school year.

(b) The Commissioner of Education is hereby authorized to certify qualified students for said scholarships. He shall also prescribe such rules and regulations as may be necessary for the implementation of this section with the approval of the Virgin Islands Board of Education.

(c) Funds shall be made available in the annual appropriation act for the Department of Education for the payment of these special scholarships.

(d) The special scholarship authorized by subsection (a) shall also be paid to students from the eastern area of St. John who live in Cruz Bay while attending the Julius E. Sprauve School.

Summary

To delete language which suggests that St. John is a "District" separate from St. Thomas.

17 V.I.C. § 283

§ 283. Full educational opportunity for children with disabilities

(a) All children with disabilities residing in the Virgin Islands shall have a right to a free and appropriate public education which shall include a continuum of placements ranging from full inclusion, partial inclusion, itinerant teaching, resource room, related services, **to include but not limited to speech therapy, physical therapy, occupational therapy, and transportation services**, separate classes, separate schools, homebound instruction and instruction in a hospital or other institutional setting.

(b) To the maximum extent practicable, children with disabilities shall be educated along with children who are non-disabled and placed in regular educational settings using the same curricula as their non-disabled peers, with modifications as needed to meet their individual, specialized educational needs. Impediments to learning and to integration into the regular school environment, to the maximum degree appropriate, shall be overcome by the provision of specialized services and supplemental services, aids and modifications to the curricula, rather than by separate schooling or other removal of children with disabilities from the regular educational environment. Special classes, separate schooling or other removal of children with disabilities from the regular educational environment shall occur only when, and to the extent that the nature of the severity of the disability is such that education in regular classes, even with the use of supplementary aids and services, cannot be achieved.

Summary

To enumerate some but not all of the “related services” which children with disabilities must be provided under this chapter 24.

17 V.I.C. § 455

§ 455. Composition of Board, appointment, election and term of members

The Board of Trustees shall consist of seventeen members, as follows:

- (1) The Chairman of the Board of Education of the Virgin Islands, the Commissioner of Education and the President of the University shall be **voting** members ex officio.
- (2) The Governor shall appoint, by and with the advice and consent of the Legislature, nine other members of the Board, at least five of whom shall be residents of the Virgin Islands, for terms of five years. Such members may be removed for cause by the Governor.
- (3) The Board of Trustees shall elect, in accordance with procedures established in its bylaws, two additional members to the Board, at least one of whom shall be a resident of the Virgin Islands, for terms of five years. Said bylaws shall provide a method for removal of such members for cause.

Summary

To clarify and avoid ambiguity in the subsection by confirming that the “ex-officio” members of the university’s board are “voting” members. That subsection is in contrast with §484(a); the university’s research and technology park statute which clearly provides that the President of the university serves as an ex-officio member “with a vote”.

17 V.I.C. § 660

§ 660. Required form of contract

- (a) An agency contract must be in a record, signed or otherwise authenticated by the parties.
- (b) An agency contract must state or contain:
- (1) **the services to be provided by the student-athlete based on his a or her NIL must be stated with specificity.**
 - ~~(+)~~ (2) the amount and method of calculating the consideration to be paid by the student-athlete for services to be provided by the athlete agent under the contract and any other consideration the athlete agent has received or will receive from any other source for entering into the contract or for providing the services;
 - ~~(2)~~ (3) the name of any person not listed in the application for registration or renewal of registration who will be compensated because the student-athlete signed the agency contract;
 - ~~(3)~~ (4) a description of any expenses that the student-athlete agrees to reimburse;
 - ~~(4)~~ (5) a description of the services to be provided to the student-athlete;
 - ~~(5)~~ (6) the duration of the contract; and
 - ~~(6)~~ (7) the date of execution.
- (c) An agency contract must contain, in close proximity to the signature of the student-athlete, a conspicuous notice in boldface type in capital letters stating:

“WARNING TO STUDENT-ATHLETE

IF YOU SIGN THIS CONTRACT:

~~(+) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT ATHLETE IN YOUR SPORT.~~

~~(2)~~ (1) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING INTO THIS CONTRACT, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR; AND

~~(3)~~ (2) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.”

- (d) An agency contract that does not conform to this section is voidable by the student-athlete. If a student-athlete voids an agency contract, the student-athlete is not required to pay any consideration under the contract or to return any consideration received from the athlete agent to induce the student-athlete to enter into the contract.
- (e) The athlete agent shall give a record of the signed or otherwise authenticated agency contract to the student-athlete at the time of execution.

§ 664. Prohibited conduct

- (a) An athlete agent, with the intent to induce a student-athlete to enter into an agency contract, may not:
- (1) give any materially false or misleading information or make a materially false promise or representation;

(2) furnish anything of value to a student-athlete before the student-athlete enters into the agency contract; or

(3) furnish anything of value to any individual other than the student-athlete or another registered athlete agent.

(b) An athlete agent may not intentionally:

(1) initiate contact with a student-athlete unless registered under this chapter;

(2) refuse or fail to retain or permit inspection of the records required to be retained by section 663 of this chapter;

(3) fail to register when required by section 654 of this chapter;

(4) provide materially false or misleading information in an application for registration or renewal of registration;

(5) predate or postdate an agency contract; or

~~(6) fail to notify a student athlete before the student athlete signs or otherwise authenticates an agency contract for a particular sport that the signing or authentication may make the student athlete ineligible to participate as a student athlete in that sport.~~

Summary

To conform the warning in 660(c)(1) and 664(b)(6) to student-athletes to delete the sentence pertaining to loss of competition eligibility, with the recent Supreme Court and NCAA decisions on student-athletes' ability to receive compensation for the commercial use of their names, images and likeness without loss of their student-athlete status.

17 V.I.C. § 781

§ 781. Legislative findings; intent

(a) The Legislature finds that bullying has a negative effect on the social environment of schools, creates a climate of fear among students, inhibits their ability to learn, and leads to other antisocial behavior:

(1) Sexual, discrimination due to sexual orientation; and

(2) Harassment.

(3) **Suicide**

(b) Bullying behavior has been linked to other forms of antisocial behavior, such as: vandalism, shoplifting, truancy and non-completion of school, fighting, using drugs and alcohol, sexual harassment, and sexual violence.

(c) The Legislature further finds that the number of youth delinquent gangs continues to rise on a territory-wide basis. Given the higher rates of criminal offenses by gang members, as well as the availability of increasingly lethal weapons, the spiraling level of criminal activity by gang members has taken on greater importance for law enforcement agencies, schools, the community, and prevention efforts.

Summary

To add "suicide" as one of the consequences of bullying.

ADDENDUM

§ 761. Legislature Findings: Intent

The Legislature of the Virgin Islands hereby finds that school violence is prevalent in the territory's schools. The Legislature finds that there must be a reshaping of the approach to combating school violence. The Legislature further finds that the imposition of penalties on student perpetrators alone is an insufficient and ultimately unworkable device for curbing school violence. The Legislature therefore finds that there exists a need for the insertion of an in-school mechanism for assisting students with handling inter-personal and inter-group conflicts without resorting to violent behavior. The legislature by this Act mandates the implementation of a school-based, conflict resolution education program. The intent of conflict resolution education, and consequently this chapter, is to reduce violence, vandalism, chronic absenteeism, and suspensions in Virgin Islands Schools. The goals of conflict resolution education program are as follows:

- (1) offer problem-solving processes that can improve the school climate;
- (2) offer Virgin Islands students an alternative to self-destructive violent behavior when faced with interpersonal and inter-group conflicts;
- {3) assist students and teachers to deepen their understanding of themselves and others, thus developing important appropriate life skills;
- {4) Provide training in negotiation, mediation, and consensus, decision making as means of encouraging high levels of citizenship activity;
- (5) shift the responsibility for solving nonviolent conflicts to students so that teachers can be free to concentrate more on teaching and less on discipline; and
- (6) create behavior management systems that are more effective than detention, suspension, or expulsion of students in order to resolve conflicts in the school setting.