



VIRGIN ISLANDS
BAR ASSOCIATION

Legislation & Law Reform Committee

Testimony on Bill 35-0121

An Act amending Virgin Islands Code, title 4, chapter 29, section 482 and title 5, subtitle I, part V, chapter 61, section 660 increasing jury and witness fees and allowances, respectively

By Jessica McKenney, Chair of VIBA Legislation and Law Reform Committee

Good afternoon Honorable Members of the Legislature,

I am here today in my capacity as Chair of the Virgin Islands Bar Association Legislation and Law Reform Committee. The Committee's goals are to review bills for efficiency and effectiveness, encourage stakeholder engagement and provide input on potential human rights and public interest impacts. To note, these comments have not been reviewed or approved by the Virgin Islands Bar Association Board of Governors, and does not necessarily reflect the views of the Bar.

Regarding Bill 35-0121, I would like to make technical and practical comments to aid in consideration and drafting of this bill as laid out below:

Consistency

The first whereas clause of the bill states that "The Virgin Islands should pay at least the Virgin Islands minimum wage, currently \$10.50 an hour" for jurors." However, in order to maintain consistency with this statement, it seems the currently proposed amounts would need to be raised slightly from \$80 for full day and \$40 to half day to \$84 for full day and \$42 dollars for half day. This may also help maintain consistency with any increases that occur in the future, for example, if they are raised based on an increase in minimum wage.

Terms

§ 482(b) states that "Jurors shall be provided, if necessary, reasonable compensation for travel, parking, and a subsistence allowance covering meals and lodging as determined by the court." However, the term "if necessary" may create an unintended high standard for jurors to access reasonable compensation. This may possibly occur because the court needs to read meaning into any words included in a law. Therefore, it may be helpful to consider replacing "if necessary" with

another term, such as “if applicable” or “if appropriate,” to allow the court more discretion to decide when the reasonable compensation is appropriate.

Monetary Amounts Listed in Statutes

Monetary amounts listed in statutes may be difficult to update to align with changes in inflation, minimum wage, cost of living, etc. This is particularly because laws may remain in place “as is” long after they are passed. This makes it helpful if the laws are flexible enough to account for changing circumstances. Therefore, the legislature may want to consider adding language that allows for changes to the monetary amounts currently listed in the bill, for example: 1. To increase the pay amounts automatically based on inflation; 2. To increase the pay amounts automatically if the minimum wage in the U.S. Virgin Islands, or federally, is increased above \$10.50; and/or 3. To give the courts the authority to raise the pay amounts.

I am happy to speak more about my comments on this bill, and I appreciate your consideration.