

BILL NO. 35-0121

Thirty-Fifth Legislature of the Virgin Islands

August 22, 2023

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

PROPOSED BY: Senator Novelle E. Francis, Jr. and Diane T. Capehart

1 **WHEREAS**, 4 V.I.C. §482 references a federal statute, 28 U.S.C. §1871, to determine
2 juror pay. The Virgin Islands should strive to pay a premium over the \$50 offered by the federal
3 court to show appreciation for the great civic service of our community jurors. The Virgin
4 Islands should pay at least the Virgin Islands minimum wage, currently \$10.50 an hour, to our
5 citizens who take time out from their work, families, leisure, travel, or other pursuits to serve
6 on juries to resolve criminal and civil disputes;

7 **WHEREAS**, the federal court requires a payment of \$40 for a witness to take a day off
8 work or leisure to attend a hearing, trial or deposition. Depositions, by court rule, can be up to
9 seven hours of questioning. Virgin Islands law, which has not been updated since 1957,
10 provides for only a \$4 per day payment for attendance and only an additional \$8 per day

1 payment for subsistence for a witness attending a proceeding in a judicial division in which the
2 witness does not reside; Now, Therefore,

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

4 **SECTION 1.** Title 4 Virgin Islands Code, chapter 29, section 482 is amended by striking
5 the language in its entirety and inserting the following new language:

6 **“§482. Jury fees**

7 (a) Jurors impaneled for trial shall receive \$80 per day for their service and \$40 for any
8 half-day of service. Jurors who participated in the jury selection process but were not chosen
9 to serve on the jury shall receive \$20 per day for their service and \$10 for any half-day of
10 service.

11 (b) Jurors shall be provided, if necessary, reasonable compensation for travel, parking,
12 and a subsistence allowance covering meals and lodging as determined by the court.

13 (c) Jurors employed by the federal or Government of the Virgin Islands and who
14 receive regular compensation and benefits while serving jury service shall not be paid the fee
15 described in subsection (a).

16 (d) The term “half-day” as used in subsection (a) means jury service lasting four hours
17 or less.”

18 **SECTION 2.** Title 5 Virgin Islands Code, subtitle I, part V, chapter 61, section 660 is
19 amended

20 (a) in the first sentence by striking “district court” and inserting “courts”, striking “a
21 district court commissioner” and inserting “an administrative judge”, and striking “\$4” and
22 inserting “\$80”.

1 (b) in the second sentence by striking “\$8” and inserting “\$100” and inserting “and for
2 incidental inter-island travel costs” after “place of attendance”.

3 **BILL SUMMARY**

4 Section 1 of this bill amends the Virgin Islands Code, title 4, chapter 29, section 482 by:
5 increasing the fees paid to jurors from \$50 to \$80; establishing the fee for a half day of service,
6 which is defined as service lasting four hours or less, at \$40; establishing the fee for jurors who
7 were not impaneled at \$20 per day and at \$10 for any half-day of service; excluding jurors who
8 are employed by the federal or local government and who receive regular compensation and
9 benefits while serving jury service from receiving a jury fee; and requiring that jurors be
10 provided with a subsistence allowance as determined by the court. Section 2 of this bill amends
11 the Virgin Islands Code, title 5, subtitle I, part V, chapter 61, section 660 by increasing the fee
12 from \$4 to \$80 for a witness to attend a proceeding in court before an administrative judge, or
13 before any person authorized to take his deposition, and by increasing the additional allowance
14 from \$8 to \$100 for subsistence, travel time, and incidental inter-island travel costs for a witness
15 who has to attend a proceeding in a judicial division in which the witness does not reside.

16 **BR23-0598/August 8, 2023/GC**