COMMITTEE ON GOVERNMENT OPERATIONS,
VETERANS AFFAIRS AND CONSUMER PROTECTION

BILL NO. 36-0345

Thirty-Sixth Legislature of the Virgin Islands

September 17, 2026

An act amending title 3 Virgin Islands Code, chapter 25 by adding subchapter IXa to enact "The Virgin Islands Heroes Act" making benefits payable to the spouses and eligible children of public safety officers who are killed or catastrophically injured in the line of duty

PROPOSED BY: Senator Milton E. Potter
Sponsor: Avery L. Lewis

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 3 Virgin Islands Code, chapter 25 is amended by adding a subchapter IXa:

"Subchapter IXa. The Virgin Islands Heroes Act

§651. This subchapter may be cited as the "The Virgin Islands Heroes Act".

§652. Definitions

As used in this subchapter:

(1) "Catastrophic injury" means an injury sustained from an accident that results in:

(A) the total loss of sight in one or both eyes;

(B) the total loss of hearing in one or both ears;

(C) the loss by separation of an arm or leg;

(D) an injury to the head or spine that results in paralysis of the legs, the arms, or both the legs and arms;

(E) an injury to the head that results in severe cognitive impairment, as determined by a nationally recognized method of objective psychological testing;

(F) an injury consisting of second or third-degree burns on 50 percent or more of:

(i) the body;

(ii) both hands; or

(iii) the face;

(iv) the total loss of or significant and permanent impairment of speech;

(v) a coma or vegetative state as diagnosed by two licensed physicians;

(vi) he loss or significant impairment of function of one or more vital internal organs or organ systems; or

(vii) the mangling, crushing, or amputation of a major portion of an extremity.

(2) "Commissioner" means the Commissioner of the Virgin Islands Police Department.

(3) "Eligible child" means a posthumous child or a person who is unmarried and who was either living with or was receiving support contributions from the public safety officer at the time of death, including a biological child, a stepchild, or an adopted child who is:

(A) under 18 years of age; or

(B) over 18 years of age and incapable of self-support because of physical or mental disability; or

(C) over 18 years of age and is a student as defined by title 5 United States Code section 8101.

(4) "Killed in the line of duty" means the death of a public safety officer, while on duty who was:

(A) engaging in a situation and that engagement involved nonroutine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or

(B) participating in a training exercise and that participation involved non-routine stressful or strenuous physical activity and the officer died because of a heart attack, stroke, or vascular rupture suffered while participating in that activity, or the officer dies not later than 24 hours after engaging or participating in these activities and that presumption is not overcome by competent medical evidence to the contrary. Killed in the line of duty does not include deaths from natural causes, except as provided in this subsection.

(5) "Public safety officer" or "officer" means a police officer, probation officer, parole officer, correction officer, warden, prison guard, marshal or a peace officer as defined in 5 V.I.C. § 3561.

(6) "Spouse" means a person legally married to the public safety officer at the time of the officer's death.

(7) "Traumatic event" means:

(A) a homicide, suicide, or the violent or gruesome death of another individual, including a death resulting from a mass casualty event, mass fatality event, or mass shooting;

(B) a harrowing circumstance posing an extraordinary and significant danger or threat to the life of or of serious bodily harm to any individual, including a death resulting from a mass casualty event, mass fatality event, or mass shooting; or

(C) an act of criminal sexual violence committed against any individual.

§653. Public Safety Officer's Benefit Account

(a) The Public Safety Officer's Benefit Revolving Fund is established within the Treasury of the Government of the Virgin Islands. Money in the Fund consists of money transferred and appropriated to the Fund. Money in the Fund that is not expended in the fiscal year in which it is transferred or appropriated does not revert to the General Fund of the Treasury of the Government of the Virgin Islands.

(b) The Commissioner shall submit an annual report to the President of the Legislature of the Virgin Islands regarding the financial status of the Public Safety Officer's Benefit Revolving Fund and the reimbursements the Commissioner paid during the preceding fiscal year. If the Commissioner anticipates, based on historical averages, that the Public Safety Officer's Benefit Revolving Fund will not have enough money to fund all reimbursements for the current and next fiscal year, the Commissioner shall include in the report the amounts the Commissioner believes are necessary to fund the anticipated reimbursements and payments.

§654. Death and catastrophic injury benefit

(a) The Attorney General makes the determination whether an officer has been killed in the line of duty and makes that certification to the Governor. The Governor shall then authorize the Director of the Office of Management and Budget to pay $150,000 from the Public Safety Officer's Benefit Revolving Fund to the person or persons previously designated as a beneficiary on form maintained by the Division of Personnel. If no beneficiary has been designated, the death benefit must be paid as follows:

(1) if there are no eligible children, to the spouse;

(2) if there is no spouse, to the eligible children in equal shares;

(3) if there are both a spouse and one or more eligible children, one-half to the spouse and one-half to the children, in equal shares;

(4) if there is no surviving spouse or eligible children, to the parent or parents' dependent for support on the decedent, in equal shares; or

(5) if there is no surviving spouse, eligible children, or dependent parent, to the public safety officer's estate.

(b) The parent or guardian of an eligible child shall hold all monies awarded to that child in trust until that child has attained the age of 18. If the child has attained the age of 18 but has been adjudged mentally incompetent, then the parent or guardian shall administer the trust.

(c) If an officer has sustained a catastrophic injury while in the line of duty, the officer must be awarded a one-time, lump-sum payment of $75,000. If the officer dies because of the catastrophic injury within five years of the infliction of that injury, the beneficiary or the beneficiaries of the officer must receive a one-time, lump-sum payment of $75,000, in addition to all other benefits the beneficiary is eligible for under this subchapter.

(d) Monies disbursed under this section are exempt from all Virgin Islands taxes. The benefits payable under this section are in addition to any benefits now or hereinafter prescribed.

§655. Education benefit

(a) A person is eligible to receive educational benefits at the University of the Virgin Islands if the person:

(1) is enrolled in an undergraduate degree or certificate program on the enactment date of this subchapter; and

(2) is related in one of the following ways to the officer killed in the line of duty:

(A) as an adopted, biological, step, or posthumous child less than 23 years of age;

(B) as a surviving spouse; or

(C) as adopted, biological, step, or posthumous child less than 30 years of age who is serving or has served in the United States Armed Forces, the National Guard, the Virgin Islands Air National Guard, or as a reservist in the National Guard, the Virgin Islands Air National Guard, United States Armed Forces for not less than 181 consecutive days and has been honorably discharged or whose status is an individual ready reserve.

(b) The educational benefit is the total costs of tuition and fees charged by the University of the Virgin Islands. For the purposes of this section, "fees" include only those mandatory fees charged to all students attending the University of the Virgin Islands.

(c) The educational benefit must be given for an entire academic year and is renewable for a maximum of eight semesters or the equivalent. A person who withdraws from enrollment because of active military service or a major illness which substantially limits the student's ability to complete the term and who is under the care of a licensed medical doctor is entitled to an additional semester or the equivalent of educational benefits. A child described in (a)(2)(A) who is 23 years of age or older on the first day of the academic year that the educational benefit is to be awarded is not eligible for the educational benefit offered under this section. Persons described in subsection (a) are eligible for education benefits regardless of where they graduated from high school.

§656. Continued health insurance coverage

(a) The Government of the Virgin Islands shall pay the health insurance premiums provided for under 3 V.I.C. 632 for officers who suffer a catastrophic injury in the line of duty on behalf of:

(1) the officer;

(2) a surviving spouse until the spouse remarries or reaches age 65; and

(3) an eligible child who is:

(A) 18 years of age or younger, until the child reaches age 18;

(B) 19 through 26 years of age, who has not completed a post-secondary education, and who is pursuing a full-time course of vocational education or training until the child reaches 26 years of age; or

(C) over 18 years of age and incapable of self-support due to a physical or mental disability at the time of the officer's death until the child is covered under another health insurance program.

(b) No benefit may be paid under this subchapter:

(1) if the death or catastrophic injury was caused by the intentional misconduct of the officer or by the officer's intent to bring about the officer's own death or catastrophic injury;

(2) if the officer was voluntarily intoxicated at the time of death or catastrophic injury;

(3) if the officer was performing the officer's duties in a grossly negligent manner at the time of death or catastrophic injury; or

(4) to a person whose actions were a substantial contributing factor to the death or catastrophic injury of the officer.

(5) Death or catastrophic injury resulting from stress and strain, occupational illness, or chronic, progressive, or congenital disease, such as heart or pulmonary disease is not covered under this subchapter unless there is a traumatic event that is a substantial contributing factor in the death, or catastrophic injury.

(d) If a public officer asserts the defense of involuntary intoxication, involuntary intoxication must be established by a preponderance of the evidence.

(e) As used in this section:

(1) Involuntary intoxication means a disturbance of mental and physical capacities resulting from the introduction of substances into the body that results from:

(A) fraud, trickery or duress of another;

(B) force of another;

(C) accident or mistake on the officer's part;

(D) a pathological condition; or

(E) ignorance as to the effects of prescribed medication.

(2) Pathological condition means a physical or mental state that deviates from normal health, is caused by a disease, and results in harmful structural or function change.

§657. Challenge to eligibility determination

An action challenging the Attorney General's determination that a public safety officer was killed in the line of duty must be maintained in the Superior Court of the Virgin Islands."

BILL SUMMARY

This bill establishes the Virgin Islands Heroes Act to make benefits payable to the spouses and eligible children of public safety officers who are killed or catastrophically injured in the line of duty.

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