

**PRESENTATION OF ATTORNEY GENERAL  
GORDON C. RHEA  
DEPARTMENT OF JUSTICE'S TESTIMONY  
THIRTY-SIXTH LEGISLATURE OF THE VIRGIN ISLANDS  
IN RE: BILL NO. 36-0027  
COMMITTEE ON HOMELAND SECURITY,  
JUSTICE AND PUBLIC SAFETY  
JUNE 5, 2025**

Good morning, Chairman Clifford Joseph, Sr., Committee on Homeland Security, Justice and Public Safety members, Senators, legislative staff, and the listening and viewing audiences. I am Attorney General Gordon Rhea. It is an honor and privilege to appear before you this morning.

The Department of Justice appreciates the opportunity to comment on Bill No. 36-0027. The Department of Justice has completed a preliminary review of Bill No. 36-0027 and offers the following comments.

Bill No. 36-0027 seeks to amend Title 5 of the Virgin Islands Code, subtitle 3, part 1, chapter 311, by adding a new section 3677 establishing Jah'niqua's Law. If enacted, Jah'niqua's Law would require a defendant to pay restitution in the form of child maintenance if the victim of an offense was the parent or guardian of a minor child or dependent and if the defendant was convicted of negligent homicide by means of a motor vehicle while under the influence of alcohol or drugs, a violation of 20 V.I.C. § 504, or was convicted of driving under the influence of intoxicating

liquors or controlled substances, a violation of 20 V.I.C. § 493, which results in an accident that causes the victim to become disabled or totally and permanently disabled.

Although we know that drinking and driving, or driving under the influence of any intoxicating substance including drugs, is dangerous and can lead to death, it happens across the country and within the territory daily. It is estimated that 800 people are injured every day in the United States as a result of alcohol-related traffic accidents.<sup>1</sup> Additionally, about 34 people die in drunk-driving crashes daily.<sup>2</sup> In 2023, more than 12,400 people died in alcohol-related crashes.<sup>3</sup>

In the Virgin Islands, 20 V.I.C. § 493, makes it unlawful to drive while under the influence of intoxicating liquors or controlled substances, and establishes penalties for violations. Further, 20 V.I.C. § 504 covers negligent homicide by means of motor vehicle, which provides a cause of action when the death of a person occurs within one year as a proximate result of injuries received by the operation of a vehicle by person under the influence of alcohol or drugs. A person convicted of negligent homicide by means of a motor vehicle can be sentenced to imprisonment for up to five years, or a fine up to \$1,000, or both.<sup>4</sup>

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<sup>1</sup> See <https://www.samhsa.gov/substance-use/prevention/talk-they-hear-you/parent-resources/impaired-driving>, last viewed 6/2/2025

<sup>2</sup> See <https://www.nhtsa.gov/risky-driving/drunk-driving>, last viewed 6/2/2025

<sup>3</sup> *Id.*

<sup>4</sup> 20 V.I.C. § 504

If approved, Bill No. 36-0027 will direct Virgin Islands courts to order a defendant convicted of a violation of 20 V.I.C. § 504 or § 493, which results in an accident that causes the victim to become disabled, to pay child maintenance if the victim is the parent or guardian of a minor child or dependent. Courts will be able to consider a number of factors when determining the amount of child maintenance to be paid including the financial needs of the child, the financial resources of the disabled victim or surviving parent, the standard of living the child is accustomed to and reasonable childcare expenses. Child maintenance payments would last until the child is 18 years old, or 19 if the child is still enrolled in high school.

On April 13, 2021, siblings Bentley and Mason lost their mother, father and 4-month-old baby brother when their vehicle was rear ended by a drunk driver in Missouri.<sup>5</sup> This tragedy forced Bentley and Mason's grandmother, Cecilia Willaims, into action and advocacy; in 2022, Bentley's Law, a law requiring convicted drunken drivers to pay child support to children who lose one or more parents in a fatal accident, was introduced in Missouri. Although the legislation initially failed in Missouri, a handful of states – including Missouri – have since adopted some version of Bentley's Law. Additionally, several states are currently considering similar laws.

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<sup>5</sup> See <https://stateline.org/2024/02/16/drunken-drivers-would-have-to-pay-child-support-for-victims-kids-under-these-laws/>, last viewed 6/2/2025

In Tennessee, “if a defendant is convicted of vehicular homicide due to intoxication or aggravated vehicular homicide and the victim of the offense was the parent of a minor child, then the sentencing court must order the defendant to pay restitution in the form of child maintenance to each of the victim's children until each child reaches 18 years of age and has graduated from high school.”<sup>6</sup> The financial needs of the child, the financial resources of the surviving parent and the standard of living to which the child is accustomed to, the physical and emotional condition of the child and the child's educational needs, child's physical and legal custody arrangements, and the reasonable work-related child care expenses of the surviving parent must be considered in Tennessee when deciding what amount of child maintenance is reasonable and necessary.<sup>7</sup>

Texas has a similar law requiring courts to order a defendant convicted of intoxication manslaughter, or causing an accident while intoxicated that leads to the death of another, “to pay restitution for a child whose parent or guardian was the victim of the offense.”<sup>8</sup> Once again, courts in Texas must consider several factors when deciding what amount of restitution is reasonable and necessary, including the financial and educational needs of the child, the physical and emotional needs of the child, as well as the financial resources of the defendant.

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<sup>6</sup> Tenn. Code Ann. § 39-13-219 (emphasis added)

<sup>7</sup> *Id.*

<sup>8</sup> Tex. Code Crim. Proc. Art. 42.0375

The laws in Tennessee and Texas are very similar to each other and to the proposed legislation. There is one major difference, however. The laws in Tennessee and Texas are limited to accidents resulting in death, and do not include child maintenance payments for children of disabled victims.

Melanie's Law, which was signed into law in Kentucky in April 2023, is almost identical to the Section 1 of Bill No. 36-0027, and allows restitution in the form of child support to be ordered in violations of Kentucky's driving under the influence law if the violation caused the death of a parent or guardian of a minor child, or caused a parent or guardian of a minor child to be disabled.<sup>9</sup>

The Department of Justice supports Bill No. 36-0027, in principle. Bill No. No. 36-0027, or Jah'niqua's Law, is in line with other laws that address the financial burden on the families of drunk driving victims, both disabled and deceased. Intoxicated drivers must be held accountable and should take responsibility for their actions. Bill No. 36-0027 creates an avenue by which the Virgin Islands can force offenders to financially support the minor children of victims disabled or killed by drivers under the influence of drugs or alcohol.

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<sup>9</sup> KRS § 532.036

I thank the Committee for allowing the Department of Justice to testify on Bill No. 36-0027. This concludes my formal remarks. I respectfully welcome any questions this body may have.