

BILL NO. 36-0231

Thirty-Sixth Legislature of the Virgin Islands

February 2, 2026

An act amending title 5 Virgin Islands Code, subtitle 3, part III, chapter 401, by adding section 4507a to establish procedures for inmate transfers outside the Virgin Islands

PROPOSED BY: Senator Kenneth L. Gittens

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 5 Virgin Islands Code, subtitle 3, part III, chapter 401, is amended by adding section 4507a:

“§4507a. Transfer of inmates to facilities outside the Territory; exceptions

(a) The Legislature of the Virgin Islands finds that incarcerated individuals have a right to rehabilitation and family connection. The practice of transferring inmates outside the Territory without adequate review undermines rehabilitation and can lead to psychological harm and legal complications. There is a need to limit decisions made by the Director of the Bureau to transfer inmates and to ensure that the decisions are balanced, justified, and transparent. The purpose of this act is to:

- (1) establish clear procedures for inmate transfers outside the Virgin Islands;
- (2) prevent abuse of administrative authority;
- (3) protect inmates' rights to family connection and rehabilitation; and
- (4) ensure transfers are done only when necessary, and with oversight.

(b) The Director may not transfer an inmate who is serving less than a 10-year sentence, to a correctional facility outside the Territory unless a transfer request is approved in accordance with subsection (c).

(c) All inmate transfer requests shall comply with the following process:

(1) A written transfer request must be prepared by the facility's warden or supervising officer outlining:

(A) the justification for the proposed transfer, including documented behavioral issues, threats to safety, or need for higher security; and

(B) the availability of educational or vocational programs in accordance with section 4503(c).

(2) The Multidisciplinary Case Review Committee ("Committee"), established in subsection (e), shall review the transfer request and consider the following as part of its review:

(A) the inmate's proximity to family for visitation and rehabilitation purposes;

(B) the availability of programs and services necessary for rehabilitation;

(C) the inmate's security classification;

(D) the potential impact on the inmate's legal proceedings; and

(E) the input of mental health professionals and legal counsel.

(3) The Committee shall, within 10 business days of receiving the transfer request, issue a written recommendation and provide a copy of the recommendation to the inmate's legal counsel.

(4) If the Committee recommends that the transfer request be approved, the Director must submit the recommendation to the Governor who shall, within five business days of his receipt of the recommendation, issue a written approval or denial of the transfer request. No transfer may proceed without the Governor's approval.

(d) Notwithstanding subsection (b), in cases where an inmate poses an imminent threat to the safety of other inmates, staff, or to themselves, and the Bureau lacks adequate capacity to address the situation internally, an emergency transfer may be requested as follows:

(1) The Director shall provide the Governor with the following information at least 48-hours prior to the requested transfer:

(A) the nature of the threat or emergency;

(B) efforts taken to address the issue internally;

(C) the receiving facility; and

(D) the projected duration of the transfer.

(2) The Governor shall approve or deny the emergency transfer request within 48-hours. If no response is received from the Governor within this timeframe, the transfer may proceed but must be reviewed by the Committee within seven days. If the Committee finds that the transfer should not have been made, the Bureau shall arrange for the inmate to be returned to the Virgin Islands within 30 days.

(e) There is established within the Bureau, a Multidisciplinary Case Review Committee for the purpose of reviewing and issuing written recommendations for inmate transfer requests. The Committee is comprised of the following four members:

(1) the Attorney General, or his designee;

(2) a licensed mental health professional designated by the Commissioner of the Department of Health;

(3) the Public Defender, or his designee; and

(4) a family liaison officer from the Bureau designated by the Director.

The Committee shall elect a Chairman of the Committee from one of its members.

(f) This section does not apply to:

(1) Federal detainees or prisoners who are under the custody of the United States government and must be housed in a federal facility pursuant to federal law or agreement.

(2) Inmates diagnosed with a behavioral or mental health condition that cannot be properly treated within the Territory and require placement in an external specialized mental health facility, as certified by the Virgin Islands Department of Health.

(g) The Bureau shall submit an annual report to the Legislature, not later than December 1 of each year, detailing:

- (1) the number of inmates transferred outside the Territory;
- (2) the justification for each transfer;
- (3) the receiving facilities;
- (4) the duration of stay; and
- (5) family visitation data; when applicable.

(h) Any official or employee who violates this section may be subject to appropriate administrative discipline, including suspension from duty without pay or removal from office.

(i) The Virgin Islands Inspector General shall have authority to investigate complaints or irregularities in transfer procedures.”

SECTION 2. The Bureau of Corrections shall revise internal policy manuals and staff training protocols to comply with this act within 90 days of its enactment.

BILL SUMMARY

This bill amends title 5 Virgin Islands Code, subtitle 3, part III, chapter 401, by adding section 4507a prohibiting the Director of the Bureau of Corrections from transferring an inmate who is serving less than 10 years, to a facility outside the Territory unless a written transfer request is submitted to and receives a favorable recommendation from the Multidisciplinary Case Review Committee and is approved by the Governor.

BR25-0871/October 28, 2025/GC