

**THIRTY-SIXTH LEGISLATURE OF THE U.S.
VIRGIN ISLANDS
COMMITTEE ON HOMELAND SECURITY,
JUSTICE AND PUBLIC SAFETY
Chairman: The Honorable Clifford A. Joseph Sr.
Virgin Islands Police Department
St. Croix, USVI
September 4th, 2025**

BILL NO. 36-0144 (Sponsored by: Senator Clifford Joseph)

Mr. Chairman, distinguished members of the Senate, thank you for the opportunity to testify today in this matter. I am Sean A. Santos Sr., Assistant Commissioner of Police of the Virgin Islands Police Department. On behalf of Police Commissioner Mario M. Brooks I submit this testimony in support of Bill No. 36-0144, an act amending title 14 Virgin Islands Code, chapter 113 to define and prohibit assault rifles, ban suppressors and silencers, and requiring safety training for licensed rifles and shotgun holders; prohibiting large-capacity magazines and preventing the illegal sales of firearms, firearm accessories and ammunition..

On behalf of the Virgin Islands Police Department (VIPD), thank you for the opportunity to testify in support of Bill No. 36-0144, an act amending Title 14 V.I.C., chapter 113 to: (1) define and prohibit assault rifles; (2) ban suppressors/silencers; (3) require safety training for licensed rifle and shotgun holders; (4) prohibit large-

capacity magazines; and (5) prevent the illegal sale of firearms, accessories, and ammunition. This bill is a measured, constitutional, and urgently needed public-safety reform.

WHY THIS BILL IS NECESSARY NOW

Gun violence continues to exact a heavy toll on families across the Territory and the nation. According to the Gun Violence Archive (GVA), as of August 19, 2025, the United States recorded 9,504 gun deaths, 17,338 gun injuries, and 276 mass shootings year-to-date real-time statistics that underscore the continuing crisis and the need for comprehensive prevention strategies like those in Bill 36-0144. Locally to date, the US Virgin Islands has reported 24-gun related deaths, 11 on the island of St. Croix, 11 on the island of St. Thomas and 2 on the island of St. John.

CONSTITUTIONAL FRAMEWORK AND CURRENT CASE LAW

VIPD supports Bill 36-0144 because it fits squarely within the Supreme Court's Second Amendment framework and is reinforced by recent appellate decisions:

- The Supreme Court has long recognized that the Second Amendment protects firearms “in common use” for lawful purposes, while allowing restrictions on “dangerous and unusual” weapons. Post-Bruen, federal courts have continued to uphold limits on weapons and accessories that pose exceptional public risks.
- In 2024, the Supreme Court in *United States v. Rahimi* upheld the federal prohibition on firearm possession by those subject to qualifying domestic-violence restraining orders, emphasizing that the government may disarm

individuals or regulate arms consistent with the Nation’s historical tradition of preventing dangerous conduct. Rahimi confirms that evidence-based public-safety measures remain constitutional when grounded in that tradition.

- In 2024, the Fourth Circuit upheld Maryland’s assault-weapons law in *Bianchi v. Brown*, concluding these military-style rifles fall outside Second Amendment protection and, alternatively, that the law aligns with a historical tradition of regulating excessively dangerous arms. In June 2025, the U.S. Supreme Court declined to review the Maryland decision, leaving it in place. These rulings strongly support Bill 36-0144’s prohibitions.
- Large-capacity magazine restrictions. In March 2025, the Ninth Circuit upheld California’s large capacity magazine ban in *Duncan v. Bonta*, finding it consistent with historical traditions of regulating particularly dangerous weapon features. The Seventh Circuit has likewise allowed Illinois’ statewide automatic weapons/large capacity magazine law to remain in effect during litigation. Together, these cases affirm that large capacity magazine prohibitions comport with *Bruen*.
- Suppressors/silencers are not protected “arms.” In February 2025, the Fifth Circuit held that suppressors (silencers) are not “arms” covered by the Second Amendment, upholding a conviction for possessing an unregistered suppressor; other courts have taken the same view. Bill 36-0144’s suppressor ban is therefore on firm constitutional footing.
- In March 2025, the Supreme Court confirmed that certain weapon parts kits

qualify as “firearms” under the Gun Control Act, allowing serialization, licensing, and background-check requirements to reach modern pathways of illegal diversion. Provisions in Bill 36-0144 aimed at curbing unlawful sales and parts trafficking are consistent with this ruling.

How does Bill 36-0144 advance public safety while respecting the Second Amendment?

1. **Defining and prohibiting assault rifles.** By focusing on weapons and features designed for rapid fire and high casualty potential traits repeatedly recognized by courts as beyond the core of self-defense this bill targets “excessively dangerous” arms while leaving intact access to commonly used firearms for lawful purposes. While we understand the intent to address potential risks associated with certain types of firearms, we believe that outright prohibition, as outlined in the bill, may be overly broad and could negatively impact law-abiding citizens who utilize these firearms for legitimate purposes. Specifically, we propose that instead of prohibiting the firearms defined in section (a) of the bill, we consider restricting their possession and use to the following:

A. Home Protection: Allow the possession of these firearms within the owner's private residence for the express purpose of self-defense and the protection of their families and properties.

B. Target Practice: Permit the use of these firearms at licensed shooting ranges and facilities for target practice and training purposes.

This approach would require the following adjustments to the bill:

- C. Amend Section (3) "Prohibitions and Penalties": Modify the language to reflect that the manufacture, sale, offer to sell, transfer, or purchase of these firearms is restricted to specific, permitted purposes (home protection and target practice) rather than entirely prohibited.
- D. Repeal Section (4) "Mandatory Surrender": Eliminate the mandatory surrender provision, as it would no longer be necessary if possession is permitted under specific restrictions.
- E. Add Definitions and Regulations: Include clear definitions for "home protection" and "licensed shooting range," and establish regulations for safe storage, transportation, and use of these firearms within the permitted contexts. This may include requirements for safety training, background checks, and registration.
- F. Consider Stricter Penalties for Misuse: Increase penalties for the misuse of these firearms in criminal activities or for violating the restrictions outlined in the law.

By adopting this restricted approach, we can achieve a balance between addressing public safety concerns and respecting the rights of responsible gun owners. This approach allows for the legitimate use of these firearms for self-defense and recreational purposes while implementing safeguards to prevent their misuse.

- 2. **Banning suppressors/silencers.** Suppressors complicate law-enforcement response, crime detection and runs counterproductive to our current gunfire

detection capabilities. Multiple appellate decisions find they are not constitutionally protected “arms,” supporting a categorical prohibition.

3. **Requiring safety training for licensed rifle and shotgun holders.** Training prerequisites are longstanding, commonsense safety measures that courts have repeatedly treated as compatible with the Second Amendment’s text-and-history approach. *Rahimi* reinforces the legitimacy of measures designed to prevent dangerous misuse.
4. **Prohibiting large-capacity magazines.** Large capacity magazines enable sustained fire that magnifies lethality. Appellate precedent upholding large capacity magazines bans supports this provision as consistent with history and tradition.
5. **Preventing illegal sales and trafficking of firearms, accessories, and ammunition.** By tightening controls on parts, accessories, and sales channels, the bill addresses diversion and trafficking pathways, an approach validated by the Supreme Court’s treatment of parts kits.

Recent developments underscoring urgency

The Supreme Court’s June 2, 2025, denial of review in challenges to Maryland’s assault-rifle ban and Rhode Island’s large capacity magazine ban leaves these laws intact and signals that such targeted regulations can coexist with the Second Amendment. Courts continue to uphold measures aimed at reducing lethality and protecting victims most recently with decisions sustaining large capacity magazine restrictions and appellate rulings confirming suppressors fall outside Second

Amendment coverage.

Conclusion

Bill 36-0144 is a careful, constitutional public-safety measure. It mirrors approaches that federal appellate courts have upheld post-Bruen, and it directly addresses the tools that drive lethality in shootings military-style rifles, large-capacity magazines, and suppressors while promoting responsible ownership through safety training and curbing illegal sales.

For these reasons, VIPD urges the Committee to support Bill No. 36-0144. We stand ready to assist with implementation, public education, and enforcement to ensure the law delivers the intended safety benefits while respecting the rights of law-abiding residents.