

09/04/2025-REPORTED OUT TO THE COMMITTEE ON RULES AND JUDICIARY

BILL NO. 36-0136

Thirty-Sixth Legislature of the Virgin Islands

August 26, 2025

An act amending title 23 Virgin Islands Code, chapter 17, subchapter II by adding new sections 1331 through 1336 mandating lethal weapon training for security guards and investigators

PROPOSED BY: Senator Avery L. Lewis
Co-sponsor: Ray Fonseca

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 23 Virgin Islands Code, chapter 17, subchapter II is amended by redesignating sections 1331 and 1332 as sections 1337 and 1338 and inserting new sections 1331 thru 1336 as follows:

“§1331 As used in this subchapter

(1) “Commissioner” means the Commissioner of the Virgin Islands Police Department.

(2) “Law Enforcement Officer” means a person employed by a law enforcement agency whose duties include enforcing criminal laws or investigating criminal activity, or any other person who is acting at the request or direction of that person.

(3) “Lethal weapons” include firearms and other weapons calculated to produce death or serious bodily harm.

(4) “Privately employed agents” include any person employed for the purpose of providing watch guard, protective patrol, detective or criminal investigative services either for another for a fee or for his employer.

(5) “Program” means the education and training program established and administered or approved by the Commissioner in accordance with this subchapter.

§1332 Education and Training Program

(a) The Commissioner shall establish an education and training program in the handling of lethal weapons, law enforcement and protection of rights of citizens administered or approved by the Commissioner in accordance with the provisions of this subchapter.

(b) All privately employed agents, except those who have been granted a waiver from compliance by the Commissioner who, through their employment, carry a lethal weapon shall be required to attend the program established by subsection (a) of this section in accordance with the requirements or regulations established by the Commissioner and, upon satisfactory completion of such program, shall be entitled to certification by the Commissioner.

(c) Except for colleges and universities, no nongovernment employer of a privately employed agent who, through his employment, carries a lethal weapon, shall own, operate or participate in the establishment or administration of the program established by subsection (a) of this subchapter.

§1333 Power and Duties of Commissioner

The Commissioner shall:

(1) Implement and administer or approve the minimum courses of study and training for the program in the handling of lethal weapons, law enforcement and protection of the rights of citizens.

(2) Implement and administer or approve physical and psychological testing and screening of the candidate for the purpose of barring from the program those not physically or mentally fit to handle lethal weapons. However, candidates who are full-time police officers and have successfully completed a physical and psychological examination as a prerequisite to employment or continued employment by the Police Department shall not be required to undergo any physical or psychological testing and screening procedures when employed by a private security agency.

(3) Issue certificates of approval to schools approved by the Commissioner and to withdraw certificates of approval from those schools disapproved by the Commissioner.

(4) Certify instructors pursuant to the minimum qualifications established by the Commissioner.

(5) Consult and cooperate with the University of the Virgin Islands and other entities for the development of specialized courses in handling lethal weapons, law enforcement and protection of the rights of citizens.

(6) Consult and to cooperate with the Federal Government concerning similar training.

(7) Certify those individuals who have satisfactorily completed basic educational and training requirements as established by the Commissioner and to issue appropriate certificates to such persons.

(8) Visit and inspect approved schools at least once a year.

(9) Collect reasonable charges from the students enrolled to pay for the costs of the program.

(10) Grant waivers from compliance with the provisions of this subchapter applicable to privately employed agents who have completed a course of instruction in a training program approved by the Commissioner.

(11) Promulgate regulations and to perform such other duties as may be reasonably necessary or appropriate to implement the education and training program.

§1334 Certificate of Qualification

(a) Any person desiring to enroll in such program shall apply to the Commissioner on a form to be prescribed by the Commissioner.

(b) The application shall be signed and verified by the applicant. It shall include his full name, age, residence, present and previous occupations and such other information that may be required by the Commissioner to show the good character, competency and integrity of the applicant.

(c) The application shall be personally presented by the applicant to the Commissioner, or in his absence, the Chief of Police for the respective island. The applicant shall affix his fingerprints on the application. The application shall be accompanied by two current photographs of the applicant of a size and nature to be prescribed by the Commissioner and an \$150 postal money order application fee, unless the applicant is a full-time police officer, in which case no application fee shall be required.

(d) The fingerprints of the applicant shall be examined by the Commissioner and the Federal Bureau of Investigation to determine if he has been convicted of or has pleaded guilty or nolo contendere to a crime of violence. The Commissioner may waive the requirement of Federal Bureau of Investigation examination. Any fee charged by the Federal Bureau of Investigation shall be paid by the applicant.

(e) No application is accepted if the applicant is under the age of eighteen.

(f) After processing the application, if the Commissioner determines that the applicant is at least eighteen years old, has no convictions or guilty or nolo contendere pleas for crimes of violence, and meets all other prescribed requirements, the Commissioner shall issue a certificate of qualification allowing the applicant to enroll in an approved program.

§1335 Certification and Fee

(a) Before the receipt of a certificate, each individual satisfactorily completing the program shall pay a certification fee of not more than \$50.

(b) The Commissioner shall furnish to each individual satisfactorily completing the program, an appropriately sized copy of the certificate, which shall include a photograph of the individual.

(c) Every certified individual shall carry his certificate with him as identification during the time he is on duty or going to and from duty and carrying a lethal weapon.

(d) Certification is for five years.

(e) Privately employed agents who, through their employment, carry a lethal weapon shall be required to renew their certification no later than six months before the expiration of

1 their certificate. The Commissioner shall prescribe the manner in which the certification shall
2 be renewed and may charge a nominal renewal fee not to exceed \$50.

3 **§1336 Good Standing**

4 (a) Privately employed agents must possess a valid certificate whenever on duty or
5 going to and from duty and carrying a lethal weapon.

6 (b) Whenever an employer of a privately employed agent, subject to the provisions of
7 this act, is discharged for cause, the employer shall notify the Commissioner no later than five
8 days of the discharge.

9 (c) The Commissioner may revoke and invalidate any certificate issued to a privately
10 employed agent under this subchapter whenever he learns that false, fraudulent, or misstated
11 information appears on the original or renewal application, or a change of circumstances that
12 would render an employee ineligible for original certification.

13 (d) A nondisabled, retired police officer who is certified under this subchapter need
14 not meet the training and qualification standards or physical and psychological qualifications
15 if he was a full-time police officer for at least ten years, retired in good standing and has
16 assumed the duties of a privately employed agent.

17 (e) A retired police officer certified under this subchapter shall not be required to pay
18 the application fee but shall pay the certification fee on the submission of a completed
19 application provided by the Commissioner.

20 (f) All active police officers shall be granted a waiver of the training requirements of
21 this subchapter.”

22 **BILL SUMMARY**

23 This bill amends title 23 Virgin Islands Code, chapter 17, subchapter II adding sections
24 1331 thru 1336 to provide for specialized training for private detectives or private security
25 guards. Internal section 1331 establishes definitions applicable only to this subchapter. Internal
26 section 1332 establishes education and training programs. Internal section 1333 sets the powers
27 and duties of the Commissioner as it pertains to the training and certification required. Internal

1 section 1334 sets requirements that the applicants must undertake once certified by the
2 Commissioner. Internal section 1335 sets the fees for the training and the certificate. Finally,
3 internal section 1336 sets the standards for good standing.

4 **BR25-0525/July 21, 2025/CBM**