

COMMITTEE ON HOMELAND SECURITY, JUSTICE AND
PUBLIC SAFETY

07/16/2026-REPORTED OUT TO THE COMMITTEE ON RULES AND JUDICIARY

BILL NO. 36-0301

Thirty-Sixth Legislature of the Virgin Islands

June 11, 2026

An act amending title 14 Virgin Islands Code prohibiting incarcerated persons from possessing or using electronic communication or recording devices

PROPOSED BY: Senator Kenneth L. Gittens
Co-sponsors: Angel L. Bolques, Jr., Novelle E. Francis, Jr.
Hubert L. Frederick, Franklin D. Johnson, Clifford A. Joseph, Sr.,
and Kurt A. Vialet

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 14 Virgin Islands Code, chapter 33, section 665 is amended by adding the following subsection (c):

“(c)(1) It is unlawful for any individual in the custody of the Virgin Islands Bureau of Corrections to knowingly and intentionally possess, either actually or constructively, any:

- (A) cellular telephone;
- (B) electronic recording device;
- (C) wireless communication device; or
- (D) equipment capable of audio or visual recording, transmitting, or live broadcasting.

(2) For purposes of this subsection, “constructive possession” means any situation in which an individual is aware of the presence of a prohibited device listed in subsection (c)(1)

1 and has the ability and intent to exercise dominion or control over the device, either individually
2 or jointly with others.

3 (3) Any person who violates this subsection is guilty of a felony and, upon conviction,
4 is subject to imprisonment of not less than one year and not more than five years, or a fine of
5 not more than \$5,000, or both.

6 (4) Any person who aids, abets, facilitates, or conspires with another to use a
7 prohibited device to record, transmit, or disseminate violent acts or disturbances within a
8 correctional facility shall be charged as a principal.

9 (5) Individuals who knowingly participate in acts of violence in proximity to a
10 prohibited device, or who allow such acts to be recorded without reporting to the Warden or
11 the Warden's designee, the Director of the Bureau of Corrections, or a correctional officer
12 assigned to the facility or attempting to prevent them is guilty of a felony and, upon
13 conviction, is subject to imprisonment of not less than one year and not more than five years,
14 or a fine of not more than \$5,000, or both.

15 (6) The Bureau of Corrections shall implement policies for the detection and seizure
16 of prohibited devices, including the use of signal detection technologies, physical searches, and
17 enhanced monitoring.

18 (7) All correctional officers shall receive annual training on the detection and handling
19 of prohibited devices.”

20 **SECTION 2.** This act shall take effect 90 days after enactment.

21 **BILL SUMMARY**

22 This bill prohibits incarcerated persons from possessing or using electronic devices to
23 record, communicate, facilitate criminal activity or have access to unmonitored information.

24 **BR25-0865/May 11, 2026/CBM**