

COMMITTEE ON BUDGET, APPROPRIATIONS AND FINANCE

02/26/2026-AMENDED AND REPORTED OUT TO THE FLOOR

01/12/2026-REASSIGNED TO THE COMMITTEE ON RULES AND JUDICIARY

01/08/2026-REPORTED OUT TO THE FLOOR

12/15/2025-REPORTED OUT TO THE COMMITTEE ON RULES AND JUDICIARY

**BILL NO. 36-0209**

**Thirty-Sixth Legislature of the Virgin Islands**

**November 17, 2025**

An act amending title 23 Virgin Islands Code, chapter 10 to establish civil penalties for disregarding marine advisories and to create the Territorial Marine Safety Fund

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**PROPOSED BY:** Senator Hubert L. Frederick  
Sponsor: Avery L. Lewis  
Co-sponsor: Ray Fonseca

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1 *Be it enacted by the Legislature of the Virgin Islands:*

2       **SECTION 1.** Title 23 Virgin Islands Code, chapter 10, subchapter I is amended by  
3 adding the following new section:

4       **“§1018. Marine advisories; civil penalties**

5           (a) For purposes of this section, “marine advisory” means an official advisory,  
6 warning, small craft advisories, recreational marine use advisories, coastal hazard warnings, or  
7 similar public safety notices issued by any of the following agencies:

8           (1) the United States Coast Guard;

9           (2) the National Weather Service;

10          (3) the Virgin Islands Department of Planning and Natural Resources (DPNR);

1 (4) the Virgin Islands Police Department (VIPD);

2 (5) the Virgin Islands Territorial Emergency Management Agency (VITEMA);

3 and

4 (b) Any person, whether operating a vessel, engaging in recreational marine activity,  
5 or engaging in shoreline or coastal activity, who knowingly or negligently disregards a marine  
6 advisory, as defined in subsection (a), and whose actions result in the deployment of emergency  
7 response resources, shall be assessed a civil penalty per incident. Each incident requiring  
8 emergency response constitutes a separate violation. The civil penalties shall be assessed as  
9 follows:

10 (1) a first violation is a penalty of \$1,500;

11 (2) a second violation is a penalty of \$3,000; and

12 (3) a third violation and any subsequent violations are a penalty of \$5,000 per  
13 incident. Each day the violation continues shall constitute a separate offense subject to a  
14 penalty of \$5,000.

15 (c) Citations for violations under this section may be issued by the Commissioner of  
16 Police, the Commissioner of DPNR, or their authorized designees. The department head, or  
17 designee, of the agency that issues the citation must document all violations, any rescue,  
18 recovery, or removal activity, and submit written verification to the Commissioner of Finance  
19 prior to the assessment of civil penalties related to the deployment of emergency response  
20 services.

21 (d) Any individual receiving a citation under this section may contest it by filing an  
22 appeal with the issuing agency within 20 calendar days of issuance. The agency shall designate  
23 a hearing officer to review the appeal and issue a written determination within 30 calendar days.

1 Payment of the penalty is stayed until the final resolution of the appeal. After the final  
2 resolution of an appeal, all penalties collected must be remitted by the issuing agency to the  
3 Department of Finance for deposit into the Territorial Marine Safety Fund. The decision of the  
4 Hearing Officer is final. The appellant may file a Writ of Review to the Superior Court of the  
5 Virgin Islands no later than 30 days after the issuance of the Hearing Officer's decision.

6 (e) There is established in the Treasury of the Virgin Islands a special fund designated  
7 the "Territorial Marine Safety Fund," which is separate and distinct and administered by the  
8 Commissioner of Finance. The Fund consists of all monies collected from civil penalties  
9 imposed under this section.

10 (f) Monies in the Fund is disbursed at the request of the responding agency as outlined  
11 in subsection (a) of this section and must be used solely for:

- 12 (1) the purchase and maintenance of emergency response equipment;
- 13 (2) vessel maintenance and operations; and
- 14 (3) other expenses directly related to marine emergency response.

15 (g) Nonprofit rescue organizations, including St. Croix Rescue, St. John Rescue, and  
16 St. Thomas Rescue are authorized to receive disbursements from the Territorial Marine Safety  
17 Fund, and must comply with the provisions of title 2 Virgin Islands Code, section 29 regarding  
18 compliance requirements for the receipt of government funds.

19 (h) The Commissioner of Finance shall maintain a detailed accounting of all monies  
20 deposited into and disbursed from the Fund. The Commissioner shall submit an annual report  
21 on the financial status of the Fund to the Governor and the Legislature, which must include the  
22 total amount of civil penalties collected, the total amount of disbursements made to each agency  
23 or authorized recipient, and the unobligated balance of the Fund."

**BILL SUMMARY**1  
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This bill amends title 23 Virgin Islands Code, chapter 10 to establish a civil penalty of \$500 for any person who disregards an official marine advisory and causes the deployment of emergency response resources. Citations may be issued by the Virgin Islands Police Department, the Department of Planning and Natural Resources, the Virgin Islands Territorial Emergency Management Agency, or the Virgin Islands Fire and Emergency Medical Services, with appeals handled by the issuing agency. This bill also creates a special revenue fund in the Treasury of the Government of the Virgin Islands, the Territorial Marine Safety Fund, to receive all penalties collected. Monies in the Fund may be disbursed to responding agencies for equipment, vessel maintenance, and other marine emergency response costs. St. Croix Rescue, St. John Rescue, and St. Thomas Rescue are also authorized to receive disbursements from the fund.

**BR25-0813/September 29, 2025/KEH**

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