

10/10/2024-REPORTED OUT TO THE FLOOR

BILL NO. 35-0388

Thirty-Fifth Legislature of the Virgin Islands

October 10, 2024

An Act to amend various sections of title 5 Virgin Islands Code

PROPOSED BY: Senator Diane T. Capehart

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 5 Virgin Islands Code is amended in the following instances:

(a) In section 324, by striking “give” and inserting “given”;

(b) In section 658, first sentence, by striking “district court” and inserting “Superior Court of the Virgin Islands”;

(c) In section 660, by striking “district court” and inserting “Superior Court” and by striking “, or before a district court commissioner”;

(d) In section 1172, in the introductory paragraph, strike “United States attorney” and insert “Attorney General of the Virgin Islands”;

(e) In section 1173, subsection (a), strike “United States attorney in the District Court” and insert “Attorney General of the Virgin Islands in the Superior Court”;

(f) In section 1174, subsection (b), strike “United States attorney” and insert “Attorney General of the Virgin Islands”;

1 (g) In section 1204, in the heading by striking “Clerk of the district court” and
2 inserting “Clerk of the Superior Court”, and in the text by striking “clerk of the district
3 court” and inserting “clerk of the Superior Court”;

4 (h) In section 1206, by striking “district court” and inserting “Superior Court”;

5 (i) In section 1207, by striking “district court” and inserting “Superior Court of
6 the Virgin Islands”;

7 (j) In section 1303, by striking “district court” and inserting “Superior Court of
8 the Virgin Islands”;

9 (k) In section 1361, subsection (a), by striking “district court” and inserting
10 “Superior Court” and striking “inferior court”;

11 (l) In section 1432:

12 (1) In the first sentence by inserting a comma after “chapter” and by
13 striking “shall have” and inserting “has the”; and

14 (2) In the second sentence by inserting a comma after “review”, by striking
15 “district” where it appears in the first instance and by striking “such district” and
16 inserting “the”;

17 (m) In section 2512, by inserting a comma after “interrogation”, by striking “and
18 understood them” after “self-incrimination” and by inserting “understood those rights
19 and waived the constitutional right against self-incrimination in a contemporaneously
20 signed writing”;

21 (n) In section 2527, subsection (c) is amended by striking “five hundred dollars
22 (\$500.00)” and inserting “ \$1,000”;

23 (o) In section 2528, subsection (b) is amended by striking “five hundred dollars
24 (\$500.00)” and inserting “\$1,000”;

25 (p) In section 2529, subsection (d) is amended by striking “five hundred dollars
26 (\$500.00)” and inserting “\$1,000”;

27 (q) In section 2540, subsection (a) by striking “\$500” and inserting “\$1,000”;

1 (r) In section 3541, subsection (a), paragraph (2), by striking “with” and
2 inserting “within”;

3 (s) In section 3566:

4 (1) In subsection (b) by inserting “or apartment” after the first instance of
5 “house” and by inserting “or apartment,” after the second instance of “house”; and

6 (2) In subsections (c) and (d) by inserting “or apartment” after “house”;

7 (t) By adding a section 3567 to read:

8 **“§ 3567. Use of force; shots discharged at moving vehicles; prohibition.**

9 When an officer is making an arrest or has advised a suspect of the officer’s
10 intent to make an arrest, if the suspect flees by motor vehicle, the officer may not
11 discharge a firearm at the moving vehicle except in cases when:

12 (1) the suspect is immediately threatening the officer or another person
13 with deadly force by means other than the vehicle; or

14 (2) the vehicle is intentionally being used as a deadly weapon and all other
15 reasonable means of defense have been exhausted or are not present, or practical.”;

16 and

17 (u) By repealing section 3581.

18 **BILL SUMMARY**

19 This bill updates various outdated sections of title 5 Virgin Islands Code to conform to
20 current law and practice including replacing the District Court and the United States Attorney
21 with the Superior Court and the Attorney General, respectively, as applicable.

22 **BR24-1267/October 7, 2024/PFA**