

COMMITTEE ON HOMELAND SECURITY, JUSTICE
AND PUBLIC SAFETY

03/10/2022-AMENDED AND REPORTED OUT TO THE FLOOR

01/28/2022-AMENDED AND REPORTED OUT TO THE COMMITTEE ON RULES AND JUDICIARY

BILL NO. 34-0141

Thirty-Fourth Legislature of the Virgin Islands

October 1, 2021

An Act amending the Virgin Islands Code title 34, chapter 8, to require the Bureau of Corrections and the Virgin Islands Attorney General's Office to notify expeditiously victims of crimes against the person of the release of their alleged perpetrator; amending title 5, chapter 407, section 4606 relating to restitution and notification of victims of crime by the Territorial Parole Board of an inmate's release to increase the time, contents, and the methods of notification to a crime victim of an inmate's release; and for other related purposes

PROPOSED BY: Senators Donna A. Frett-Gregory, Novelle E. Francis, Jr.,
Javan E. James, Sr., Dwayne M. DeGraff and Steven D. Payne, Sr.

1 **WHEREAS**, experiencing a crime against one's person has the potential of causing
2 severe physical, emotional, and mental harm both immediately after the incident and during the
3 term of that person's life;

4 **WHEREAS**, studies suggest that there is a correlation between being a victim of a crime
5 against the person and depression and suicidal behavior;

6 **WHEREAS**, a person who is a victim of crime against the person may experience a
7 diminished sense of safety and security;

8 **WHEREAS**, there is a duty to assure persons who are victims of a crime against the
9 person that they will be afforded the maximum level of protection from abuse that the law can
10 provide;

1 **WHEREAS**, current protections offered by current law do not include notifications to
2 victims at the pretrial stage;

3 **WHEREAS**, the legal system works best when there is the involvement and cooperation
4 of persons who are victims of crimes; and

5 **WHEREAS**, without enforceable protections from offenders, victims of crimes against
6 the person are less likely to cooperate in the judicial process; Now, Therefore,

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

8 **SECTION 1.** Title 34 Virgin Islands, chapter 8, is amended as follows:

9 (1) In section 202 by redesignating paragraphs (1) and (2) as paragraphs (2) and (3)
10 and inserting a new paragraph (1) that reads as follows:

11 “(1) ‘Crimes against the person’ means criminal offenses that involve bodily
12 harm; including assault, battery, domestic violence, kidnapping and rape.”

13 (2) By adding a section 203a to read as follows:

14 **“203a Notification of the release of an offender to victims of crimes against the
15 person**

16 (a) In addition to the rights granted to victims and witnesses in section 203, a victim of
17 a crime against the person has a right to request advance notice of the offender’s release from
18 custody.

19 (b)(1) Using the most recent contact information provided by the victim, the
20 Department of Justice shall notify any victim or alleged victim who has requested to be notified
21 of the release of the defendant:

22 (A) not later than 15 days before the defendant is released from custody for any
23 reason, including release on bail or personal recognizance, release from a medical or
24 mental health institution, completion of the term of incarceration or commutation of
25 sentence; or

1 (B) as soon as practicable after being notified of the defendant's impending
2 release, but not later than 24 hours after learning of the defendant's actual release; or

3 (C) not later than one hour after being notified that a defendant has escaped from
4 custody.”

5 (2) The notice must be by one of the following means:

6 (A) calling the victim or alleged victim;

7 (B) emailing the victim or alleged victim; or

8 (C) serving the victim or alleged victim with notification of release by a person
9 authorized to serve summonses and complaints.

10 (d) The Department of Justice, through its Victims Services Unit, shall ensure that
11 victims who have requested notification provide their most recent telephone number, email
12 address, mailing address and primary place of residence. The Department of Justice shall
13 ensure that the information is stored securely. The victim is responsible for providing to the
14 Department of Justice the victim's current contact information.

15 (e) When a defendant is found guilty of a crime of violence or an offense involving
16 crimes against the person, and a condition of the sentence restricts the defendant's ability to
17 have contact with the victim, that condition must be included in the order, and the Clerk of the
18 Court or the person designated by the court shall provide a written copy of that order to the
19 victim not later than 48 hours after its entry.

20 (f) The Bureau of Corrections shall notify the Department of Justice, the Virgin
21 Islands Police Department, the Family Resource Center, and the Women's Coalition, or any
22 successor victim's advocacy organization, of the release of a defendant who is charged with
23 a crime against the person:

24 (1) not later than 30 days before the defendant is released from custody for any
25 reason, including release on bail or personal recognizance, release from a medical or

1 mental health institution, completion of the term of incarceration or commutation of
2 sentence; or

3 (2) as soon as practicable after being notified of the defendant's impending
4 release, but not later than 24 hours after learning of the defendant's actual release; or

5 (3) not later than two hours after discovering that a defendant has escaped from
6 custody.

7 **SECTION 2.** Title 5 Virgin Islands Code, chapter 407, section 4606 is amended as
8 follows:

9 (a) In subsection (c) by striking "24" and inserting "48";

10 (b) By re-designating subsection (c) as subsection (d) and adding a new subsection (c)
11 that reads as follows:

12 "(c) The notification must include the parolee's full name, including any known
13 nicknames, the parolee's release date and the location where the parolee will be released.

14 The Parole Board shall notify the victim either by a phone call, by email, or by serving
15 the victim by a person authorized to serve summons and complaints in the Territory."

16 **SECTION 3.** The Department of Justice not later than 120 days after enactment of this
17 act, shall promulgate the necessary regulations to fulfill the mandate of title 34 Virgin Islands
18 Code, chapter 8, section 203a.

19 **SECTION 4.** Title 34 Virgin Islands Code, chapter 8, section 203, subsection (c) is
20 amended by striking "and (7)" and striking "are" before "the responsibility" and inserting "is".

21 **BILL SUMMARY**

22 This bill proposes to amend Virgin Islands Code title 34, chapter 8, section 203a to require
23 the Virgin Islands Department of Justice, upon a victim's request to notify the victim
24 expeditiously of a crime against the person of the release of the alleged perpetrator. Section 2
25 amends 5 V.I.C. § 4606 changes the period for the Parole Board's notifying a victim of an

1 inmate's parole from 24 hours before release to 48 hours before release, requires the notification
2 to contain greater detail about the inmate and the inmate's release, and requires the victim to be
3 notified either by a phone call, email, or by serving in person. Section 3 of the bill requires the
4 Department of Justice to promulgate regulations to effectuate the mandate of 34 V.I.C. § 203a.

5 **BR21-0027/ALM/April 14, 2021/Revised by SLR/October 1, 2021**

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