March 15, 2021

VIA MESSENGER

The Honorable Donna M. Frett-Gregory
Senate President
Thirty-Fourth Legislature of the Virgin Islands
Capitol Building
St. Thomas, Virgin Islands 00802

Re: Proposed Substitute Legislation Related to Firearm Reciprocity, Licensing, Safety & Declaration Via Ports of Entry, and Amending Title 23 Virgin Islands Code, Chapter 5, Sections 460, 470, 471 and 489a to Provide for Better Licensing, Safety, and Declaration Processes for Firearms and Ammunition

Dear Madam Senate President:

In accordance with Section 11 of the Revised Organic Act of the Virgin Islands of 1954, as amended, I submitted to the Legislature proposed legislation amending Title 23 Virgin Islands Code, Chapter 5, Sections 460, 470, 471 and 489a to provide for better licensing, safety, and declaration processes for firearms and ammunition entering and being used in the Virgin Islands, for consideration and favorable action by the 34th Legislature of the Virgin Islands. Since submission we have found the need to amend the proposed legislation. Therefore, submitted herewith is substitute proposed legislation Amending Title 23 Virgin Islands Code, Chapter 5, Sections 460, 470, 471 and 489a that enhances gun registration, control and storage of firearms and ammunition. This legislation further complements efforts to intercept illegally smuggled firearms undertaken by relevant enforcement agencies by adding penalties for unreported, lost or stolen firearms, but also upholds lawful and valid firearm licensee’s rights as long as they meet reciprocal firearm safety, registration, and safety requirements.
Your assistance in bringing this measure before the 34th Legislature for prompt and favorable consideration is appreciated. Thank you for your support as we work towards addressing this critical matter.

Respectfully and Sincerely,

Albert Bryan, Jr.
Governor

cc: Honorable Senators of the Thirty-Fourth Legislature of the Virgin Islands
    David A. Bornn, Chief Legal Counsel to Governor
BILL NO. __________

Thirty-Fourth Legislature of the Virgin Islands

REGULAR SESSION

March 15, 2021

An Act amending Title 23 Virgin Islands Code, Chapter 5, Sections 460, 470, 471, and 489a to provide for better licensing, safety, and declaration processes for firearms and ammunition entering and being used in the Virgin Islands by clarifying the following: reciprocity provisions, what out-of-state licensees need to do for licensure, the reporting and declaration requirements for firearms brought into the Virgin Islands, and safe storage requirements when traveling.

PROPOSED BY: GOVERNOR

Be it enacted by the Legislature of the Virgin Islands:

Section 1 — amending Title 23 Virgin Islands Code, Chapter 5, Section 460 as follows:

(a) by striking the first paragraph and inserting in its place, "Upon review and confirmation of licensure through the submission of a reciprocal recognition of out-of-state license application, any valid license to carry a concealed firearm, issued to a nonresident of the Virgin Islands, is valid in the Virgin Islands according to the terms of its issuance in the state of its issue, but only to the extent that the terms of issuance comply with sections 452 through 459 of this chapter as well as Virgin Islands Law and promulgated rules and regulations. This section does not require a nonresident moving to this Territory who may lawfully possess a firearm license from the following states: Alaska, Alabama, Arkansas, Arizona, Iowa, Idaho, Indiana, Kansas, Kentucky, Michigan, Missouri, Mississippi, North Carolina, Ohio, Oklahoma, South Dakota, Tennessee, Utah, Virginia, Vermont, Wisconsin, to obtain a Virgin Islands firearm license until their out-of-state license expires. Such listing may be updated from time to time by the Virgin Islands Police Department. Upon expiration of any out-of-state license to carry a concealed firearm, a Virgin Islands firearm license to carry is required in order to carry a concealed firearm in this Territory. Approval of a reciprocal recognition of out-of-state license application and valid firearm licensure from a state with equivalent licensure standards to the Virgin Islands, shall allow the holder of a valid and lawful firearms license to exercise all of the privileges in connection with Virgin Islands firearm licensure, while said licensee is a visitor or transient resident herein, if the
licensee has complied with the declaration process under section 470 when bringing their firearm into the Virgin Islands.”

(b) by adding after “Any” in the second paragraph “validly licensed” and deleting the period after “authority” and adding “, if the licensee has complied with the declaration process under section 470 when bringing their firearm into the Virgin Islands.”

(c) By adding a third paragraph that states, “Any person who fails to comply with this section shall be punished as provided in section 484 of this chapter.”

Section 2 - Amending Title 23 Virgin Islands Code, Chapter 5, Section 470 as follows:

(a) by striking the language in section “(a)” and inserting in its place, “Any person traveling to or leaving from the Territory that enters or exits through any port of entry must declare all firearm(s), ammunition and or accessories within 24 hours of traveling to and from the Territory. Authorization to carry a firearm into and out of the Virgin Islands may be obtained by submission of a “Declaration Form” electronically prior to traveling to the Territory, upon disembarking into the Territory, and before exiting any port of entry in the Territory. Declaration of a firearm and a valid VI firearm license issued pursuant to this chapter or authorized pursuant to section 460 (through an approved reciprocal recognition of out-of-state license application) is required to carry a firearm beyond any port of entry in the Virgin Islands.”

(b) by striking under section “(b)” the word “him” and replacing with “them” and by striking the last sentence and inserting in its place, “Person(s) must provide information regarding their authorization to carry a firearm, firearm licensure, travel stay and duration, and complete the declaration form with information including but not limited to name, address, and date of birth.”

(c) by striking the language under section “(c)” and inserting in its place, “Virgin Islands Police Department or Virgin Islands Port Authority substations will be provided at ports of entry for declaration, each passenger declaring firearm(s), ammunition and/or accessories must visit the VIPD/VIPA substation or a VIPD/VIPA officer at their port of entry upon arrival and before leaving the Virgin Islands. Passenger(s) should not leave any port of entry without declaring their firearm(s), ammunition and/or accessories. At the time of processing the declaration of firearm(s), ammunition and/or accessories by a VIPD/VIPA, if an officer finds that the passenger(s) does not have valid firearm license, including a valid VI firearms license or state license that meets the requirements of the reciprocal recognition provision, the firearm(s), ammunition and/or accessories will be confiscated by the processing officer.”

Section 3 – Amending Title 23 Virgin Islands Code, Chapter 5, Section 471 as follows:

(a) by striking the existing language in the section and replacing it with the following:

A. Anyone whose firearm is lost or stolen, must file a police report with the Commissioner within 30 days. Intentional failure to report is a gross misdemeanor.

B. A firearm owner who knows or had reason to know of the theft or loss of their firearm and fails to report it is guilty of a misdemeanor, punishable by a fine of up to $2,000, or imprisonment for up to 90 days, or both for a first offense.
1) Any subsequent violation is a gross misdemeanor, which is punishable by a fine of up
to $3,000, or imprisonment of up to one year, or both;

2) If previously convicted of failing to report, any subsequent violation of this section is
a felony, punishable by imprisonment of up to two years, or a fine of up to $5,000, or
both.”

Section 4 – Amending Title 23 Virgin Islands Code, Chapter 5, Section 489a as follows:

(a) by adding after the first sentence in section “(c)” the following language. “Unsafe
gun storage is unlawful in the Virgin Islands, ammunition cannot be stored in the same case as the
weapon, and safe gun storage is required for all firearms in the Territory, and when traveling to
the Territory. Approval of safe gun storage may be obtained upon inspection by personnel of the
VIPD’s Firearms Bureau.”

BILL SUMMARY

The bill amends three provisions of Title 23 Virgin Islands Code, Chapter 5, sections 460,
470, 471, and 489a, to provide for a process for approval of reciprocal firearm licenses, declaration
of firearms at any port of entry, and storage safety of firearms, including separating ammunition
from firearms. Bill establishes a means to obtain the proper authorization to carry when in the
Territory for traveling residents, visitors, and individuals moving to the Virgin Islands with
firearms by allowing persons to report electronically and at new port of entry VIPD/VIPA
substations all firearms. Bill also restricts the use or carry of firearms beyond any port of entry
without declaration of the firearm and makes it unlawful to carry beyond any port of entry in the
Virgin Islands any unlawful or unlicensed firearm.
BILL NO.       

Thirty-Fourth Legislature of the Virgin Islands

REGULAR SESSION

March 15, 2021

An Act amending Title 23 Virgin Islands Code, Chapter 5, Sections 460, 470, 471, and 489a to provide for better licensing, safety, and declaration processes for firearms and ammunition entering and being used in the Virgin Islands by clarifying the following: reciprocity provisions, and—what out-of-state licensees need to do for licensure, the reporting and declaration requirements for firearms brought into the Virgin Islands, and safe storage requirements when traveling.

PROPOSED BY:   GOVERNOR

Be it enacted by the Legislature of the Virgin Islands:

Section 1 – amending Title 23 Virgin Islands Code, Chapter 5, Section 460 as follows:

(a) by striking the first paragraph and inserting in its place, “Upon review and confirmation of licensure through the submission of a reciprocal recognition of out-of-state license application, any valid license to carry a concealed firearm, issued to a nonresident of the Virgin Islands, is valid in the Virgin Islands according to the terms of its issuance in the state of its issue, but only to the extent that the terms of issuance comply with sections 452 through 459 of this chapter as well as Virgin Islands Law and promulgated rules and regulations. This section does not require a nonresident moving to this Territory who may lawfully possess a firearm license from the following states: Alaska, Alabama, Arkansas, Arizona, Iowa, Idaho, Indiana, Kansas, Kentucky, Michigan, Missouri, Mississippi, North Carolina, Ohio, Oklahoma, South Dakota, Tennessee, Utah, Virginia, Vermont, Wisconsin, to obtain a Virgin Islands firearm license until their out-of-state license expires. Such listing may be updated from time to time by the Virgin Islands Police Department. Upon expiration of any out-of-state license to carry a concealed firearm, a Virgin Islands firearm license to carry is required in order to carry a concealed firearm in this Territory. Approval of a reciprocal recognition of out-of-state license application and valid firearm licensure from a state with equivalent licensure standards to the Virgin Islands, shall allow the holder of a valid and lawful firearms license to exercise all of the privileges in connection with Virgin Islands firearm licensure, while said licensee is a visitor or transient resident herein, if the
licensee has complied with the declaration process under section 470 when bringing their firearm into the Virgin Islands.”

(b) by adding after “Any” in the second paragraph “validly licensed” and deleting the period after “authority” and adding “, if the licensee has complied with the declaration process under section 470 when bringing their firearm into the Virgin Islands.”

(c) By adding a third paragraph that states, “Any person who fails to comply with this section shall be punished as provided in section 484 of this chapter.”

Section 2 - Amending Title 23 Virgin Islands Code, Chapter 5, Section 470 as follows:

(a) by striking the language in section “(a)” and inserting in its place, “Any person traveling to or leaving from the Territory that enters or exists through any port of entry must declare all firearm(s), ammunition and or accessories within 24 hours of traveling to and from the Territory. Authorization to carry a firearm into and out of the Virgin Islands may be obtained by submission of a “Declaration Form” electronically prior to traveling to the Territory, upon disembarking into the Territory, and before existing any port of entry in the Territory. Declaration of a firearm and a valid VI firearm license issued pursuant to this chapter or authorized pursuant to section 460 (through an approved reciprocal recognition of out-of-state license application) is required to carry a firearm beyond any port of entry in the Virgin Islands.”

(b) by striking under section “(b)” the word “him” and replacing with “them” and by striking the last sentence and inserting in its place, “Person(s) must provide information regarding their authorization to carry a firearm, firearm licensure, travel stay and duration, and complete the declaration form with information including but not limited to name, address, and date of birth.”

(c) by striking the language under section “(c)” and inserting in its place, “Virgin Islands Police Department or Virgin Islands Port Authority substations will be provided at ports of entry for declaration, each passenger declaring firearm(s), ammunition and/or accessories must visit the VIPD/VIPA substation or a VIPD/VIPA officer at their port of entry upon arrival and before leaving the Virgin Islands. Passenger(s) should not leave any port of entry without declaring their firearm(s), ammunition and/or accessories. At the time of processing the declaration of firearm(s), ammunition and/or accessories by a VIPD/VIPA, if an officer finds that the passenger(s) does not have valid firearm license, including a valid VI firearms license or state license that meets the requirements of the reciprocal recognition provision, the firearm(s), ammunition and/or accessories will be confiscated by the processing officer.”

Section 3 - Amending Title 23 Virgin Islands Code, Chapter 5, Section 471 as follows:

(a) by striking the existing language in the section and replacing it with the following:

A. Anyone whose firearm is lost or stolen, must file a police report with the Commissioner within 30 days. Intentional failure to report is a gross misdemeanor.

B. A firearm owner who knows or had reason to know of the theft or loss of their firearm: and fails to report it is guilty of a misdemeanor, punishable by a fine of up to $2,000, or imprisonment for up to 90 days, or both for a first offense.
1) Any subsequent violation is a gross misdemeanor, which is punishable by a fine of up to $3,000, or imprisonment of up to one year, or both;

2) If previously convicted of failing to report, any subsequent violation of this section is a felony, punishable by imprisonment of up to two years, or a fine of up to $5,000, or both."

Section 4 – Amending Title 23 Virgin Islands Code, Chapter 5, Section 489a as follows:

(a) by adding after the first sentence in section “(c)” the following language. “Unsafe gun storage is unlawful in the Virgin Islands, ammunition cannot be stored in the same case as the weapon, and safe gun storage is required for all firearms in the Territory, and when traveling to the Territory. Approval of safe gun storage may be obtained upon inspection by personnel of the VIPD’s Firearms Bureau.”

BILL SUMMARY

The bill amends three provisions of Title 23 Virgin Islands Code, Chapter 5, sections 460, 470, 471, and 489a, to provide for a process for approval of reciprocal firearm licenses, declaration of firearms at any port of entry, and storage safety of firearms, including separating ammunition from firearms. Bill establishes a means to obtain the proper authorization to carry when in the Territory for traveling residents, visitors, and individuals moving to the Virgin Islands with firearms by allowing persons to report electronically and at new port of entry VIPD/VIPA substations all firearms. Bill also restricts the use or carry of firearms beyond any port of entry without declaration of the firearm and makes it unlawful to carry beyond any port of entry in the Virgin Islands any unlawful or unlicensed firearm.
1. § 460. Reciprocal recognition of out-of-state licenses  
   Client/Matter: sansarac
2. § 470. Report of firearms purchased outside or brought into the Virgin Islands; fees; penalty  
   Client/Matter: sansarac
3. § 471. Report of Loss of Firearm  
   Client/Matter: sansarac
4. § 489a. Safe storage of firearms; penalties  
   Client/Matter: sansarac
23 V.I.C. § 460

Virgin Islands Code Annotated > TITLE TWENTY-THREE Internal Security and Public Order (Chs. 1 — 19) > Chapter 5. Control of Firearms and Ammunition (§§ 451 — 489a)

§ 460. Reciprocal recognition of out-of-state licenses

Upon review and confirmation of licensure through the submission of a reciprocal recognition of out-of-state license application, any valid license to carry a concealed firearm, issued to a nonresident of the Virgin Islands, is valid in the Virgin Islands according to the terms of its issuance in the state of its issue, but only to the extent that the terms of issuance comply with sections 452 through 459 of this chapter as well as Virgin Islands Law and promulgated rules and regulations. This section does not require a nonresident moving to this Territory who may lawfully possess a firearm license from the following states: Alaska, Alabama, Arkansas, Arizona, Iowa, Idaho, Indiana, Kansas, Kentucky, Michigan, Missouri, Mississippi, North Carolina, Ohio, Oklahoma, South Dakota, Tennessee, Utah, Virginia, Vermont, Wisconsin, to obtain a Virgin Islands firearm license until their out-of-state license expires. Such listing may be updated from time to time by the Virgin Islands Police Department. Upon expiration of any out-of-state license to carry a concealed firearm a Virgin Islands firearm license to carry is required in order to carry a concealed firearm in this Territory. Unless otherwise prohibited by any state or federal law, a license to possess or to carry firearms, issued by any competent authority of any state or territory of the United States and in accordance with the same or similar requirements as set forth in the preceding sections pertaining to the applicant’s eligibility, and the establishment of his reputation through fingerprints, shall be recognized as valid within the Virgin Islands and Approval of a reciprocal recognition of out-of-state license application and valid firearm licensure from a state with equivalent licensure standards to the Virgin Islands, shall allow the holder of a valid and lawful firearms license thereof to exercise all of the privileges in connection therewith with Virgin Islands firearm licensure, while said licensee is a visitor or transient resident herein, if the licensee has complied with the declaration process under section 470 when bringing their firearm into the Virgin Islands.

Any validly licensed marshal, sheriff, constable, police or other peace officer, of any state or territory of the United States, whose duty it is to serve process and make arrests, may, while travelling through or in the Virgin Islands on official business, carry such weapons or equipment as has been authorized by his appointing authority, if the licensee has complied with the declaration process under section 470 when bringing their firearm into the Virgin Islands.

Any person who fails to comply with this section shall be punished as provided in section 484 of this chapter.

History

23 V.I.C. § 470

Statutes current through Act 8393 of the 2020 Regular and Special Sessions of the 33rd Legislature, including all code changes through December 30, 2020

Virgin Islands Code Annotated > TITLE TWENTY-THREE Internal Security and Public Order (Chs. 1 — 19) > Chapter 5. Control of Firearms and Ammunition (§§ 451 — 489a)

§ 470. Report of firearms purchased outside or brought into the Virgin Islands; fees; penalty

(a) Any person upon entering the Virgin Islands and bringing any firearm or ammunition shall declare all firearms and ammunition to the Commissioner or the Commissioner's designee immediately upon arrival to any port of entry and shall furnish a complete description of all firearms and ammunition brought into the Virgin Islands. The person shall also furnish the person's own name, address, date of birth and occupation. Any person traveling to or leaving from the Territory that enters or exits through any port of entry must declare all firearm(s), ammunition and or accessories within 24 hours of traveling to and from the Territory. Authorization to carry a firearm into and out of the Virgin Islands may be obtained by submission of a “Declaration Form” electronically prior to traveling to the Territory, upon disembarking into the Territory, and before exiting any port of entry in the Territory. Declaration of a firearm(s), ammunition and or accessories and a valid VI fire license issued pursuant to this chapter or authorized pursuant to section 460 (through an approved reciprocal recognition of out-of-state license application) is required to carry a firearm(s), ammunition and or accessories beyond any port of entry in the Virgin Islands.

(b) Any person upon entering the Virgin Islands bringing with him them any firearm or ammunition shall declare the firearm or ammunition to the Commissioner or designee immediately at any port of entry, furnishing a complete description of the firearm or ammunition brought into the Virgin Islands. He shall also furnish his own Person(s) must provide information regarding their authorization to carry a firearm, firearm licensure, travel stay and duration, and complete a declaration form with information including but not limited to name, address, and date of birth, and occupation.

(c) Virgin Islands Police Department or Virgin Islands Port Authority substations will be provided at ports of entry for declaration as provided in section (a) above. Each passenger declaring firearm(s), ammunition and/or accessories must visit the VIPD/VIPA station or a VIPD/VIPA officer at their port of entry upon arrival and before leaving the Virgin Islands. Passenger(s) should not leave any port of entry without declaring their firearm(s), ammunition and/or accessories. At the time of processing the declaration of firearm(s), ammunition and/or accessories by a VIPD/VIPA, if an officer finds that the passenger(s) does not have valid firearm license, including a valid VI firearms license or state license that meets the requirements of the reciprocal recognition provision, the firearm(s), ammunition and/or accessories will be confiscated by the processing officer. *In the event the person making a declaration under subsections (a) or (b), above, is qualified for a license to carry firearms in the Virgin Islands, the Commissioner shall issue the same, upon payment of the proper fee, and the firearm shall be registered in the Weapons Register provided for in section 469 of this chapter. If the person is not qualified for a license then the Commissioner shall retain the firearms or ammunition for disposition in accordance with the provisions of section 475 of this chapter, but no prosecution shall lie against the person for unlawful possession of the firearm or ammunition.

(d) Any person who fails to comply with this section shall be punished as provided in section 484 of this chapter.
23 V.I.C. § 471

Statutes current through Act 8393 of the 2020 Regular and Special Sessions of the 33rd Legislature, including all code changes through December 30, 2020

Virgin Islands Code Annotated > TITLE TWENTY-THREE Internal Security and Public Order (Chs. 1 — 19) > Chapter 5. Control of Firearms and Ammunition (§§ 451 — 489a)

§ 471. Report of loss of firearm

A. Anyone whose firearm is lost or stolen, must file a police report with the Commissioner within 30 days. Intentional failure to report is a gross misdemeanor.

B. A firearm owner who knows or had reason to know of the theft or loss of their firearm; and fails to report it is guilty of a misdemeanor, punishable by a fine of up to $2,000, or imprisonment for up to 90 days, or both for a first offense.

1. Any subsequent violation is a gross misdemeanor, which is punishable by a fine of up to $3,000, or imprisonment of up to one year, or both;

If previously convicted of failing to report, any subsequent violation of this section is a felony, punishable by imprisonment of up to two years, or a fine of up to $5,000, or both.

23 V.I.C. § 489a

Statutes current through Act 8393 of the 2020 Regular and Special Sessions of the 33rd Legislature, including all code changes through December 30, 2020

Virgin Islands Code Annotated > TITLE TWENTY-THREE Internal Security and Public Order (Chs. 1 — 19) > Chapter 5. Control of Firearms and Ammunition (§§ 451 — 489a)

§ 489a. Safe storage of firearms; penalties

(a) Every person who owns, possesses, purchases, or acquires a firearm, as that word is defined at Section 451(d) of this chapter, shall be responsible for the safe storage of the firearm.

(b) Any person who owns, possesses, purchases, or acquires a firearm, as that word is defined in section 451(d) of this chapter, whose failure to lock or safely store the firearm directly results in a person not licensed to own or possess the firearm to gain access thereto, and said unlicensed person injures or kills himself or another person with said firearm, may be, upon conviction, punished by a fine not to exceed $2,500, imprisonment not to exceed two years, or both, and be subject to forfeiture of his license and firearm. This section shall not be construed as precluding the charge or conviction of any other appropriate violation of law.

Sansara Cannon
(c) It is unlawful to leave a firearm in a motor vehicle unless it is stored in an approved vehicle firearm lockbox. Unsafe gun storage is unlawful in the Virgin Islands, ammunition cannot be stored in the same case as the weapon, and safe gun storage is required for all firearms in the Territory, and when traveling to the Territory. Approval of safe gun storage may be obtained upon inspection by personnel of the VIPD’s Firearms Bureau. A conviction for violation of this subsection subjects a person to the penalties set forth in subsection (b) of this section.

(d) For purposes of this section, "safe storage" means the storage of a firearm in a locked manner so as to prevent discharge or the storage of a firearm in a safe location that is inaccessible to all except the licensed owner of the firearm. For purposes of this section a firearm is locked when the device installed on it or incorporated into its design is activated or set to prevent the firearm from being discharged.

History


Annotations

Notes