



# Legislature of the Virgin Islands

## Office of Senator Kenneth L. Gittens

Capitol Building, Charlotte Amalie, VI 00804 • 3022 Golden Rock, Christiansted, VI 00820

**Kenneth L. Gittens**

**Senate Majority Leader**

### COMMITTEES

Homeland Security,  
Justice & Public  
Safety

**Chairperson**

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Health, Hospitals &  
Human Services

**Vice-Chair**

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Rules & Judiciary

**Member**

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Disaster Recovery,  
Infrastructure &  
Planning

**Member**

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Government  
Operations, Veterans  
Affairs, & Consumer  
Protection

**Member**

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Committee of the  
Whole

**Member**

**TO:** Kurell A. Sheridan, J.D.

**FROM:** Kenneth L. Gittens  
Chairman

**DATE:** June 26, 2023

**SUBJECT:** Homeland Security, Justice and  
Public Safety Committee Report

Find attached committee report from the June 22, 2023 hearing of the Committee on Homeland Security, Justice and Public Safety, submitted pursuant to Rule 605 of the Rules of the 35th Legislature of the Virgin Islands.

### COMMITTEE REPORT- Homeland Security, Justice and Public Safety

The Committee on Homeland Security, Justice, and Public Safety held a legislative committee hearing 10 a.m. Thursday, June 22, 2023, in the Frits E. Lawaetz Legislative Conference Room on St. Croix. The Committee received testimony from several entities relative to three bills that fell under the jurisdiction of the committee and were assigned to the committee for proper vetting.

The meeting was called to order at 10:18 p.m.

#### The following committee members were in attendance at Roll Call:

Senator Franklin D. Johnson  
Senator Alma Francis Heyliger  
Senator Ray Fonseca  
Senator Kenneth L. Gittens  
Senator Dwayne DeGraff

#### The following committee members were absent from the hearing at roll call and sent an excuse notice:

Senator Javan E. James, Sr.  
Senator Angel L. Bolques, Jr.

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*“Lead By Example”*

**Non-Committee members in Attendance:**

Senator Novelle E. Francis  
Senator Diane T. Capehart

**Legislative Reporters:** Joanne Samuel, Tricia D. Sealey, Vashti Gerald-Berry

**Legal Counsel:** Agustin Ayala

**Security :** David Johnson, Shirleen Francis, Annias Jawahir

**Public Affairs / Media:**

Omari Hicks  
Chaunte Herbert  
Melissa Gustave  
Alvin Burke  
Bernard Matthew  
Eustace Browne  
Barry Leerdam  
Jamal Potter

**Clerked by:** Fiona Z. Stokes

Chairman Gittens called the meeting to order and spoke of the safari accident on St. Thomas on June 21 adding that he believes many of the safaris on the island are operating illegally. He said it is important that VIPD and the government look at the licensing of said vehicles and their safety standards. He also talked about the impending weather from Tropical Storm Bret and urged residents to prepare and ensure that they have a hurricane plan in place at all time during the season.

Chairman Gittens gave remarks and asked for the clerk to call the attendance. That was followed by an introduction of all testifiers and support staff in person and virtually. The clerk then read correspondence from Senator James and Senator Bolques who both asked to be excused from the hearing. The Chairman acknowledged the letters then asked to have the agenda read into the record.

Agenda and all correspondences were read into the record.

The agenda included:

**Bill No. 35-0035** An Act amending title 20 Virgin Islands Code, part II, chapter 39 section 436 (b), expanding the definition of “disabled veteran” for the purposes of eligibility for a handicapped window decal.

**Testifier:**

Patrick D. Farrell  
Barbara Jackson McIntosh

**Title:**

Director  
Director

**Department/Agency:**

Office of Veterans Affairs  
Bureau of Motor Vehicle

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**Bill No. 35-0046** An Act amending title 20 Virgin Islands Code, part II, chapter 43, subchapter I to establish parking for expectant mothers or mothers with newborns.

<b>Testifier:</b>	<b>Title:</b>	<b>Department/Agency:</b>
Ray Martinez	Commissioner	V.I. Police Department
Barbara Jackson McIntosh	Director	Bureau of Motor Vehicle
Margaret E. Sprauve	Physician	Obstetrics & Gynecology

**Bill No. 35-0045** An Act amending title 5 Virgin Islands Code, chapter 407 relating to eligibility for parole by adding section 4601a to establish Medical Parole as a basis for parole; further amending title 5 Virgin Islands Code, chapter 407 by adding section 4601b to establish Geriatric Parole as a basis for parole and for other related purposes.

<b>Testifier:</b>	<b>Title:</b>	<b>Department/Agency:</b>
Dennis Howell	Chairman	V.I. Parole Board
Chesley Roebuck	Vice-Chair	V.I. Parole Board
Bentley Thomas	Member	V.I. Parole Board
Dr. Linda Callwood	Medical Director	V.I. Bureau of Corrections

Leon Lafond, assistant director of the Bureau of Motor Vehicle, appeared on behalf of Director McIntosh. He read his testimony on bills 35-0046 and 35-0035.

The Clerk then read testimony from Patrick D. Farrell, Director of Office of Veterans Affairs on Bill 35-0035 and from Mario Brooks, assistant commissioner of the Virgins Islands Police Department on Bill 35-0046.

Chairman Gittens began the round of questioning with:

Senator Francis Heyliger

Senator DeGraff

Senator Johnson

Senator Fonseca

Senator Gittens all getting 5 minutes for questioning.

Non-committee member Senator Francis was recognized and given his 5 minutes for questioning upon his arrival to the hearing.

Following the questions, the committee members were given the opportunity ask additional questions if they had any. Then the committee broke for lunch after dismissing Mr. Lafond.

The committee took a lunch break at 11:45 and came back at 1:00

Following Lunch, the hearing continued with the vetting of **Bill No. 35-0045** - An Act amending title 5 Virgin Islands Code, chapter 407 relating to eligibility for parole by adding section 4601a to establish Medical Parole as a basis for parole; further amending title 5 Virgin Islands Code, chapter 407 by adding section 4601b to establish Geriatric Parole as a basis for parole and for other related purposes.

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Chairman Howell introduced himself and said the other members of the parole board who were invited were unavailable. Dr. Linda Callwood did not appear and sent an email at 12:33 p.m. saying that she was unavailable. The emailed information was read into the record.

Senator Johnson introduced the bill. Once completed, senators were allowed to ask questions in a 5 minute round.

Senator Heyliger  
Senator Johnson  
Senator DeGraff  
Senator Fonseca  
Senator Novelle  
Senator Gittens

Non committee members Senator Diane Capehart was acknowledged upon her arrival and allowed her 5 minutes for questioning.

Once questions were exhausted, Chairman Howell was allowed to give a closing, where he invited senator to take a closer look at the code relative to the parole board because it is antiquated and should be changed.

The committee took a brief recess for offline discussions.

**Senator Johnson made the motion to approve Bill 35-0035 and forward the bill to the Rules and Judiciary Committee for further consideration. The motion was seconded by Senators DeGraff, Francis-Heyliger and James. MOTION CARRIES**

**VOTE ON Bill 35-0035**

	<b>YES</b>	<b>NO</b>	<b>NOT VOTING</b>	<b>ABSENT</b>
<b>Fonseca</b>	<b>X</b>			
<b>Bolques</b>				<b>X</b>
<b>DeGraff</b>	<b>X</b>			
<b>Francis-Heyliger</b>	<b>X</b>			
<b>J. James</b>	<b>X</b>			
<b>Johnson</b>	<b>X</b>			
<b>Gittens</b>	<b>X</b>			

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**Senator Johnson made the motion that Bill 35-0046 be held in the committee for further discussion. The motion was seconded by Senators DeGraff and James. Objected to by Senator Alma Francis Heyliger. MOTION FAILED**

**VOTE ON BILL 35-0046**

	YES	NO	NOT VOTING	ABSENT
Fonseca		X		
Bolques				X
DeGraff		X		
Francis-Heyliger		X		
J. James	X			
Johnson	X			
Gittens	X			

**Senator Johnson made the motion that Bill 35-0046 be voted on favorably and be forwarded to the Rules and Judiciary Committee for further consideration. The motion was seconded by Senator James. MOTION FAILED**

**VOTE ON BILL 35-0046**

	YES	NO	NOT VOTING	ABSENT
Fonseca		X		
Bolques				X
DeGraff		X		
Francis-Heyliger		X		
J. James	X			
Johnson	X			
Gittens		X		

**Senator Johnson made the motion to hold Bill 35-0045 be held in committee. The motion was seconded by Senators Fonseca, Francis-Heyliger and James.**

**VOTE ON BILL 35-0045**

	YES	NO	NOT VOTING	ABSENT
Fonseca				
Bolques				
DeGraff				
Francis-Heyliger	<b>NO</b>	<b>OBJECTION</b>	<b>SO</b>	<b>ORDERED</b>
J. James				
Johnson				
Gittens				

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**Senator Johnson made the motion to subpoena the BOC director Wynnie Testamark to appear before the committee with a date and time to be determined by the chairman. The director is being asked to come to provide information about off island inmates that was requested of her on May 24. The motion was seconded by Senators DeGraff, Fonseca, Francis-Heyliger and James.**

**VOTE ON SUBPOENA**

	YES	NO	NOT VOTING	ABSENT
Fonseca	X			
Bolques				x
DeGraff	X			
Francis-Heyliger	X			
J. James	X			
Johnson	X			
Gittens	X			

**Through the chair requests included:**

- Senator Johnson asked that the Bureau of Motor Vehicle provide a number of persons who have applied and been granted a disabled permit.

The hearing was adjourned at 3:47 p.m.

