

COMMITTEE ON CULTURE, YOUTH, AGING,
SPORTS AND PARKS

08/31/2023-REPORTED OUT TO THE FLOOR

08/25/2023-AMENDED AND REPORTED OUT TO THE COMMITTEE ON RULES AND JUDICIARY

BILL NO. 35-0073

Thirty-Fifth Legislature of the Virgin Islands

May 3, 2023

An Act amending title 32 Virgin Islands Code, chapter 11 by setting forth the duties and responsibilities of the Virgin Islands Horse Racing Commission, establishing a horse racing commission for the St. Croix district and one for the St. Thomas and St. John district, and amending the chapter to reflect the responsibilities of each horse racing commission

PROPOSED BY: Senators Samuel Carrión, Franklin D. Johnson and
Angel L. Bolques, Jr.
Co-sponsor: Marise C. James

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

2 **SECTION 1.** Title 32 Virgin Islands Code, chapter 11, subchapter I is amended as
3 follows:

4 (a) Section 202 is repealed and reenacted with amendments to read as follows:

5 **“§202. Supervision and regulation of horse racing**

6 (a) The Virgin Islands Horse Racing Commission, after due notice and public
7 hearings, shall adopt, amend, and repeal regulations for horse racing. The Virgin Islands
8 Horse Racing Commission shall:

9 (1) prescribe the regulations and conditions by which the holding of horse
10 races are governed;

11 (2) prescribe the qualifications of persons who engage in any horse racing
12 activity;

1 (3) provide for the classification and registration of racehorses in the
2 Virgin Islands as a condition precedent to eligibility for participation in horse races;

3 (4) authorize and regulate the use of mechanical and photographic devices
4 for the purpose, among others, of determining the development and order of finish
5 of races;

6 (5) provide for the licensing of trainers, jockeys, grooms and other persons
7 directly involved in the conditioning, handling, care or riding of horses in horse
8 races; but the joint Commissions may not license any person who has been
9 convicted of violation of any laws relating to traffic in, possession of, or use of
10 narcotic drugs, or of any felony involving moral turpitude;

11 (6) prescribe and provide for the imposition of administrative fines and
12 penalties, including suspensions and the revocation of licenses for violations of this
13 subchapter or of any regulations promulgated under this subchapter, but the fines
14 may not exceed \$500 and such suspensions may not exceed six months, and no
15 fine, suspension, or revocation may be imposed except after due notice and hearing,
16 including representation by counsel, afforded the accused person. Any penalty that
17 involves a fine may be enforced in any court of the Virgin Islands. No fine may be
18 imposed under this section for any act or omission that is a criminal offense under
19 any other provision of this Code;

20 (7) hold hearings in any matter concerning racing, to issue subpoenas for
21 the attendance of witnesses, to administer oaths and affirmations, and to examine
22 witnesses in all matters pertaining to this subchapter; and

23 (8) delegate to the St. Croix Racing Commission and to the St. Thomas-St.
24 John Racing Commission the exercise or implementation of any of the foregoing
25 powers with respect to any matters that affect horse racing only in the particular

1 island involved and which delegation is not otherwise inconsistent with the public
2 interest in the uniform administration and enforcement of this subchapter.

3 (9) prepare quarterly and annual profit and loss statements on horse races
4 under this chapter. The quarterly and annual statements must include a profit and
5 loss statement for each horse race held in the district of St. Croix and each horse
6 race held in the district of St. Thomas-St. John under the Commission's authority
7 and must be made available to the appropriate Committee of jurisdiction within the
8 Legislature of the Virgin Islands and to the Department of Sports, Parks and
9 Recreation

10 (b)Horse racing in the islands of St. Croix and St. Thomas and St. John is
11 conducted under the supervision of the St. Croix Racing Commission and the St.
12 Thomas-St. John Racing Commission, as appropriate.

13 (c) The St. Croix Racing Commission and the St. Thomas-St. John Racing
14 Commission shall each appoint three stewards, two judges, one racing secretary, one
15 assistant racing secretary, gate handlers, and starters. One judge, two stewards and the
16 racing secretary appointed by each Commission shall serve for two years and the other
17 judge and other steward shall serve for one year. Thereafter appointments are for two
18 years, but any person appointed to fill a vacancy occurring before the expiration of a term
19 shall serve only for the remainder of the term. An appointee may be removed by the
20 pertinent Commission for cause. The racing secretary shall perform the necessary
21 administrative functions and the judges and stewards shall officiate at horse races. In
22 addition to other penalties provided for under this chapter, the judges, and stewards, by
23 a majority vote, may suspend the license of any person for the violation of any provision
24 of this chapter or of any regulations promulgated hereunder, for not more than three
25 racing days but not to exceed sixty days. The officials may also institute proceedings

1 before the pertinent Commission for the imposition of fines or for the revocation or
2 suspension of licenses in excess of three racing days based upon charges of violations of
3 this chapter or any pertinent rule or regulation.

4 (d) Each Commission shall ensure that horses participating in horse races in their
5 respective district are examined by a licensed veterinarian before and immediately after
6 the race or races in which they participate. A horse to which drugs have been
7 administered or to which an electric battery or any similar device had been applied may
8 not participate in any race during the program. The order of finish of a race may not be
9 determined until after the post-race examination for electric batteries or any similar
10 device. If the administration of a drug or application of an electric battery or any similar
11 device to a horse is discovered after a race and before the order of finish is determined,
12 the horse must be disqualified. If a drug test returns with a positive result, the prize in
13 cash or otherwise must be returned. If the prize is not returned, the owner and trainer of
14 the horse must be disqualified from participating in any other races until the prize is
15 returned.

16 (e) No person may be designated, appointed, or employed as a judge, steward,
17 or in any capacity having to do with the enforcement or administration of this subchapter
18 who has any pecuniary interest, direct or indirect, in any horses registered for
19 participation in horse races in the Virgin Islands.”

20 (b) Section 204 is amended in subsections (a) and (b) by striking “Virgin Islands Horse
21 Racing Commission” and inserting “St. Croix Horse Racing Commission or the St. Thomas-
22 St. John Horse Racing Commission, as appropriate,” and by inserting “respective” before
23 “Commission”.

1 (c) Section 206 is amended by striking “Virgin Islands Horse Racing Commission”
2 and inserting “St. Croix Horse Racing Commission or the St. Thomas-St. John Horse Racing
3 Commission, as appropriate,” and by inserting “respective” before “Commission”;

4 (d) Section 207 is amended by striking “Virgin Islands Horse Racing Commission”
5 wherever it appears and inserting “St. Croix Horse Racing Commission or the St. Thomas-St.
6 John Horse Racing Commission, as appropriate”;

7 (e) In section 208, subsection (a) “Virgin Islands Horse Racing Commission” is
8 stricken, and “St. Croix Horse Racing Commission or the St. Thomas-St. John Horse Racing
9 Commission, as appropriate,” is inserted, and “respective” is inserted before “Commission”;

10 (f) In section 209, subsections (a) and (b) “Virgin Islands Horse Racing Commission”
11 is stricken and “St. Croix Horse Racing Commission or the St. Thomas-St. John Horse Racing
12 Commission, as appropriate,” is inserted;

13 (g) In section 211 (1) and (2) “Virgin Islands Horse Racing Commission” is stricken
14 and “St. Croix Horse Racing Commission or the St. Thomas-St. John Horse Racing
15 Commission, as appropriate,” is inserted;

16 (h) In section 212, subsection (a) “Virgin Islands Horse Racing Commission” is
17 stricken and “St. Croix Horse Racing Commission or the St. Thomas-St. John Horse Racing
18 Commission, as appropriate” is inserted, in subsection (c) in the first sentence “Virgin Islands
19 Horse Racing Commission” is stricken and “St. Croix Horse Racing Commission or the St.
20 Thomas-St. John Horse Racing Commission, as appropriate” is inserted, and in the second
21 sentence “respective” is inserted before “Commission” where it appears;

22 (i) In section 213, “Virgin Islands Horse Racing Commission” is stricken and “St.
23 Croix Horse Racing Commission or the St. Thomas-St. John Horse Racing Commission, as
24 appropriate” is inserted;

1 (j) In section 214, subsection (b) “Virgin Islands Horse Racing Commission” is
2 stricken and “St. Croix Horse Racing Commission or the St. Thomas-St. John Horse Racing
3 Commission, as appropriate,” is inserted, in subsection (c) “Virgin Islands Horse Racing
4 Commission” is stricken and “St. Croix Horse Racing Commission or the St. Thomas-St. John
5 Horse Racing Commission, as appropriate,” is inserted, and in subsection (h) “Virgin Islands
6 Horse Racing Commission” is stricken and “St. Croix Horse Racing Commission or the St.
7 Thomas-St. John Horse Racing Commission, as appropriate,” is inserted; and

8 (k) Section 214b is added and reads as follows:

9 “§ 214b. (a) Whoever having a horse entered in a horse race or having in his
10 custody or control such a horse permits the administration of any drug, or the application
11 of an electric battery or similar device to such horse, for the purpose of weakening or
12 stimulating the animal, or administers or causes to be administered any drug, or applies
13 or causes to be applied an electric battery or similar device to a horse entered in a race
14 for the purpose of weakening or stimulating the ability of the animal shall be fined not
15 more than \$1,000 or imprisoned not more than two year’s, or both.

16 (b) In addition to the penalties provided for in subsection (a), the St. Croix Horse
17 Racing Commission or the St. Thomas-St. John Horse Racing Commission, as
18 appropriate, may revoke any license granted under this section to any person violating
19 the subsection (a) after due notice and hearing ‘as provided in subsection (a) (6) of section
20 202 and prohibit the person from entering or attempting to enter any racetrack, or
21 facilities thereof, including stables, stalls, or stands. Any person who enters any such
22 prohibited area in violation of any order of the respective Commission is guilty of a
23 misdemeanor.

24 (c) Any person affected by the orders, decisions, license suspensions, or fines
25 imposed by the Virgin Islands Horse Racing Commission or the St. Croix Horse Racing

1 Commission or the St. Thomas-St. John Horse Racing Commission, as the case may be,
2 may appeal to the Superior Court of the Virgin Islands, but an appeal may not stay the
3 effects of the orders, decisions, suspensions, and fines while the court passes upon the
4 appeal, except by specific order of the court. In cases of fines, the person fined may
5 neither register nor enter a horse in a race unless the person deposits with the Virgin
6 Islands Horse Racing Commission the amount of the fine, which must be reimbursed if
7 the determination of the Court is favorable to the person fined. All appeals must be filed
8 with the court no later than 10 days days after notice of the Commission's decision has
9 been served on the aggrieved person.

10 (d) The members of the Virgin Islands Horse Racing Commission or the St.
11 Croix Horse Racing Commission or the St. Thomas-St. John Horse Racing Commission,
12 while acting within the scope of their duties as members of such Commission, are not
13 subject to any civil liability as a result of any of the Commissions' actions taken pursuant
14 to its duties and responsibilities, unless the conduct of the member or members is
15 determined by a court of competent jurisdiction to constitute willful wrongdoing or gross
16 negligence.”

17 **SECTION 2.** Title 32 Virgin Islands Code, chapter 21, article VI, section 434 is amended
18 in subsection (d), paragraph (1), by striking “Virgin Islands Horse Racing Commission” and
19 inserting “St. Croix Horse Racing Commission or the St. Thomas-St. John Horse Racing
20 Commission, as appropriate.”.

21 **SECTION 3.** Title 32 Virgin Islands Code, chapter 21, article IX, section 480 is amended
22 in subsection (b) by striking “Horse Racing Commission” and inserting “St. Croix Horse
23 Racing Commission or the St. Thomas-St. John Horse Racing Commission, as appropriate.”.

