

BILL NO. 35-0290

Thirty-Fifth Legislature of the Virgin Islands

June 20, 2024

An Act amending title 14 Virgin Islands Code, chapter 85 by adding section 1710 declaring a person incapable of consent to sexual relations while the person is in police custody

PROPOSED BY: Senator Ray Fonseca

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 14 Virgin Islands Code, chapter 85 is amended by adding section 1710 that reads:

“§ 1710. Consent; victim in police custody

(a) A person is incapable of consent to sexual relations when the person is detained, under arrest, or is otherwise in the custody of a police officer or other law enforcement official, and the offender is a police officer or other law enforcement official who either:

(1) detained or arrested the person or is responsible for the person’s custody;

or

(2) knows or should reasonably know that the person is under arrest or in custody.

(b) The term “sexual relations” means sexual contact, sexual intercourse, or sodomy as defined in section 1699 of this chapter.”

BILL SUMMARY

This bill amends title 14 Virgin Islands Code, chapter 85 by adding section 1710 declaring a person incapable of consent to sexual relations when the person is in the custody of a police officer or other law enforcement official who is either responsible for the person’s custody or knows or should reasonably know that the person is in custody.

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