

COMMITTEE ON HOMELAND SECURITY, JUSTICE AND
PUBLIC SAFETY

06/25/2025-AMENDED AND REPORTED OUT TO THE FLOOR

06/05/2025-REPORTED OUT TO THE COMMITTEE ON RULES AND JUDICIARY

04/03/2025-HELD IN COMMITTEE

BILL NO. 36-0024

Thirty-Sixth Legislature of the Virgin Islands

February 27, 2025

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
Co-sponsor: Milton E. Potter

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 as follows:

“§ 1710. Consent; victim in police custody

(a) A person is incapable of consent to sexual relations when the person is detained, including traffic stops and questioning pursuant to an investigation, 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) As used in this section:

(1) “Law enforcement official” means a person who is responsible for the prevention, investigation, apprehension or detention of individuals suspected or convicted of offenses against the criminal laws, including a peace officer empowered to enforce the law through peace officer standards and training certification.

(2) “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.

BR25-0240/February 3, 2025/GC

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