

COMMITTEE ON HOMELAND SECURITY, JUSTICE AND
PUBLIC SAFETY

12/12/2024-AMENDED AND REPORTED OUT TO THE FLOOR

12/11/2024-REPORTED OUT TO THE COMMITTEE ON RULES AND JUDICIARY

12/12/2023-HELD IN COMMITTEE

BILL NO. 35-0179

Thirty-Fifth Legislature of the Virgin Islands

October 18, 2023

An Act amending title 14 Virgin Islands Code, chapter 61, relating to gambling violations, and title 32 Virgin Islands Code, chapter 13, relating to the Virgin Islands Lottery Commission, to strengthen the enforcement tools against illegal gambling and lottery

PROPOSED BY: Senators Diane T. Capehart and Angel L. Bolques, Jr.

WHEREAS, annual revenue generated by the Virgin Islands Lottery makes significant financial contributions to the local government and community organizations, has a positive effect on the community, and is a vital source of funding for the benefit of the public good;

WHEREAS, revenue generated by the Virgin Islands Lottery is used to provide funding for public schools, pharmaceutical assistance, the Government Employees Retirement System Retirees Bonus Program, Office of Veterans Affairs, and local Non-Profit Organizations, among others;

WHEREAS, illegal gambling and illegal lottery schemes deprive the public of this revenue;

1 **WHEREAS**, illegal gambling is a catalyst for violent crime, adversely impacts the
2 quality of life in the Virgin Islands, and disrupts our neighborhoods and lawful businesses; Now
3 therefore,

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

5 **SECTION 1.** Title 14 Virgin Islands Code, chapter 61 is amended in the following
6 instances:

7 (a) Section 1221 is amended:

8 (1) By striking “Lottery defined” in the section heading and inserting
9 “Definitions”;

10 (2) By inserting “In this chapter:” after the section heading;

11 (3) By designating the existing language as paragraph (1), by striking “A
12 lottery is” and inserting ““Lottery” means”, and by inserting “, numbers game,
13 parlay,” after “enterprise”; and

14 (4) By inserting the following paragraph (2) :

15 “(2) “Organized criminal lottery enterprise” means any
16 endeavor involving a lottery not authorized under the Virgin Islands
17 Code that involves two or more persons who, for pecuniary gain,
18 conduct, finance, manage, supervise, direct, operate, or own all or part
19 of an endeavor, and who has conducted operations on at least two days
20 in any 30-day period.”

21 (b) Section 1222 is amended:

22 (1) By redesignating subsection (b) as subsection (c) and adding the
23 following subsection (b):

“(b) Whoever participates in an organized criminal lottery enterprise has a previous conviction for a violation under this chapter must be fined not more than \$1,000 or imprisoned not more than two years, or both.”

(c) Section 1223 is amended:

(1) By designating the existing language as subsection (a), and by striking “\$200” in paragraph (2) and inserting “\$500”; and

(2) By adding the following subsection (b):

“(b) Whoever violates subsection (a) in furtherance of an organized criminal lottery enterprise, must be fined not more than \$1000, or imprisoned for not more than two years, or both.”

(d) Section 1224 is amended--

(1) In subsection (1), after “opens”, by inserting a comma and striking “or”; and by inserting “or engages in,” after “conducts,”; after “other device,” not authorized under the Virgin Islands Code.

(2) In subsection (3), by striking “\$200” and inserting “\$1,000”, and by striking “180 days” and inserting “two years”.

(3) By striking paragraph (2); and by striking from paragraph (3) “is willfully present where any such game is being played;

(4) By designating the existing language as subsection (a) and inserting subsections (b) and (c) as follows:

“(b) Whoever plays or bets at or against, any game of chance played with dice, cards, slot machines, video gaming devices or machines, or any electrically or mechanically operated device or machine or any other device not otherwise authorized under the Virgin Islands Code, for money, checks,

1 credit, or other representative of value shall be lined not more than \$200 or
2 imprisoned not more than 180 days, or both.

3 (c) Internet gambling” means the dealing, operating, carrying on,
4 conducting, maintaining, or exposing for pay, any internet game, athletic
5 event or other event not authorized under the Virgin Islands Code.”

6 (e) Section 1225 is amended by striking “\$200” and inserting “\$1,000” and by
7 striking “180 days” and inserting “two years”.

8 (f) Section 1226 is amended by inserting “including any digital devices” after
9 “gambling purposes”.

10 **SECTION 2.** Title 14 Virgin Islands Code, chapter 61 is amended by adding sections
11 1227 and 1228 to read as follows:

12 **“§ 1227. Forfeiture**

13 (a) Property, whether real or personal, offered as a stake, or any money, property,
14 or other things of value staked, paid, bet, wagered, laid, or deposited in connection with
15 or as a part of any game of chance, lottery, gambling scheme or device, gift enterprise, or
16 other trade scheme unlawful under the laws of the Virgin Islands is subject to forfeiture.
17 Upon a conviction under this chapter, the court may order the forfeiture of any property,
18 funds, or assets involved in the unlawful activity proportional to the gravity of the
19 violation and the value of the property, funds, or assets associated with the offense.

20 (b) In cases where multiple individuals or entities are involved in the unlawful
21 activity, the court may determine each party’s proportional share of forfeiture based on
22 the party’s degree of involvement, financial benefit derived from the activity, and other
23 relevant factors. Proceeds from property forfeited under this section must be apportioned
24 as provided in 32 V.I.C. § 246(1).

1 **§ 1228. Civil remedies and fines**

2 (1) The Attorney General may bring an action in the Superior Court against
3 persons or entities involved in unlawful gambling under the laws of the Virgin Islands
4 for a civil fine of up to \$10,000.” Proceeds from property forfeited under this section
5 must be apportioned as provided in 32 V.I.C. § 246(l).

6 **SECTION 3.** Title 32 Virgin Islands Code, chapter 13, section 246 is amended as
7 follows:

8 (a) Subsection (i) is amended by striking “and” after “1222” and inserting “1224,
9 1225, 1226, 1227, and 1228” after “1223”.

10 (b) Subsection (l) is amended as follows:

11 “(l) The proceeds from all real and personal property forfeited under 14 V.I.C. §
12 1227 and all fines imposed under this chapter and 14 V.I.C. § 1228 shall be apportioned
13 as follows: 40 percent to the Virgin Islands Department of Justice for the enforcement of
14 this chapter, and 45 percent to the Virgin Islands Lottery Commission, with fifteen
15 percent to be used exclusively for programs to treat and prevent gambling addiction.

16 **BILL SUMMARY**

17 The bill amends the VI Code sections relating to gambling violations and enforcement
18 against illegal gambling and lottery by increasing the criminal penalties and fines from one year
19 to two years of imprisonment, and \$200 and \$500 to \$1000, and adding sections for forfeiture
20 of property and civil fines up to \$10,000. The bill also amends the definition of gambling to
21 include sports betting.

22 **BR23-0635/September 29, 2023/YLT**

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