

COMMITTEE ON HOMELAND SECURITY, JUSTICE AND
PUBLIC SAFETY

04/24/2025-AMENDED AND REPORTED OUT TO THE FLOOR

04/03/2025-AMENDED AND REPORTED OUT TO THE COMMITTEE ON RULES AND JUDICIARY

BILL NO. 36-0005

Thirty-Sixth Legislature of the Virgin Islands

February 27, 2025

An Act amending title 16 Virgin Islands Code, chapter 2, section 99 establishing a mandatory minimum bail amount in domestic violence cases

PROPOSED BY: Senators Angel L. Bolques, Jr., Dwayne M. DeGraff and
Carla J. Joseph

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. (a) Title 16 Virgin Islands Code, chapter 2, section 99, is amended as follows:

(1) subsection (b):

(A) in paragraphs (1), (2) and (3) by striking “with no 10% provision” and inserting “however, bail must be determined based on the defendant’s risk to the victim and the community and fully secured where there is clear and convincing evidence of a threat to the victim or likelihood of flight” after “harm;” in each paragraph respectively; and

(B) by inserting the following paragraph (4):

“(4) If the underlying crime has a higher bail amount than the amount in subsection (b) of this section, the higher bail amount shall apply.”

(b) subsection (c) is amended by inserting the following after “forthwith.”: “If the People can prove by clear and convincing evidence that the defendant contacted the victim in violation of a protective order, the defendant shall be remanded to custody and bail shall be reconsidered based on the severity of the violation. The court may consider alternative non-monetary conditions, such as electronic monitoring, house arrest, or mandatory check-ins where the defendant demonstrates financial hardship, provided these measures sufficiently protect the victim. The court shall also consider risk assessments, victim statements, and law enforcement recommendations when setting bail or release conditions to ensure protection of victims while upholding constitutional protections. To be released, the defendant must demonstrate to the Court that he is not a danger to the victim.”

(c) subsection (e) is amended by inserting the following after “center.”: “Appropriate treatment options include a certified Partner Abuse Intervention Program.” The court may require the defendant to complete a domestic violence intervention program from a court approved provider.

BILL SUMMARY

This bill establishes a mandatory minimum bail amount for a person arrested for or charged with a crime that constitutes domestic violence.

BR25-0024/February 7, 2025/AA/Revised/February 26, 2025

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