

ACT NO. 8 8 1 9

BILL NO. 35-0178

THIRTY-FIFTH LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2024

An Act amending title 5 Virgin Islands Code, chapter 314 to add a section 3732a to allow for the automatic expungement of arrest records upon a finding that the arrest lacked probable cause and amending title 3 Virgin Islands Code, chapter 33, section 881(g), item 9 relating to public records to designate expunged criminal records as confidential records

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WHEREAS, when an individual is arrested, and no probable cause is found a criminal record remains that negatively impacts the wrongfully arrested individual;

WHEREAS, Virgin Islands law presently requires the filing of a petition with the Superior Court of the Virgin Islands to obtain an expungement of an arrest record even if no probable cause was found;

WHEREAS, the filing of an expungement petition requires the impacted individual to spend money and other resources and to be subjected to a civil process;

WHEREAS, the automatic expungement of arrest records for which there was no probable cause for the arrest significantly reduces the impact of the arrest on the individual without subjecting the individual to a civil process or expense; Now, Therefore,

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 5 Virgin Islands Code, subtitle 3, part 1, chapter 314 is amended by adding section 3732a to read as follows:

“§ 3732a. Automatic expungement when no probable cause is found

When the court finds no probable cause, the court shall simultaneously enter an order expunging the arrest record, including fingerprints, mugshots, DNA samples, and any other police or judicial proceeding records of a person.”

SECTION 2. Title 3 Virgin Island Code, chapter 33, section 881(g), item 9 is amended after “public records” by inserting “unless such records have been expunged pursuant to title 5, chapter 314 of the Virgin Islands Code.”

Thus passed by the Legislature of the Virgin Islands on March 25, 2024.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 2nd day of April, A.D., 2024.



A handwritten signature in blue ink, appearing to read "Novelle E. Francis, Jr.".

Novelle E. Francis, Jr.
President

A handwritten signature in blue ink, appearing to read "Carla J. Joseph".

Carla J. Joseph
Secretary



Bill No. 35-0178 is hereby approved.

Witness my hand and the Seal of the Government of the United States Virgin Islands at Charlotte Amalie, St. Thomas, This 1st day of April, 2024 A.D.

A handwritten signature in blue ink, appearing to read "Albert Bryan Jr.".

Albert Bryan Jr.
Governor