

ACT NO. 8998

BILL NO. 36-0024

THIRTY-SIXTH LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

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

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Be it enacted by the Legislature of the Virgin Islands:

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

“§ 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.”

SECTION 2. Within ninety days after the passage of this act, the Attorney General of the Virgin Islands shall submit a policy for sexual abuse by corrections officers pursuant to the federal Prison Rape Elimination Act of 2003, 34 U.S.C. 30301, *et seq.*, and the United States Attorney General's final rule on national standards pursuant to 34 U.S.C. 30307 to the Legislature of the Virgin Islands. The policy established by the Attorney General shall include provisions for reporting, investigating, prosecution, conviction, and penalties of suspected sexual abuse by corrections officers.

Thus passed by the Legislature of the Virgin Islands on June 27, 2025.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 30th day of June, A.D., 2025.



A handwritten signature in blue ink that reads "Milton E. Potter".

Milton E. Potter
President

A handwritten signature in blue ink that reads "Avery L. Lewis".

Avery L. Lewis
Secretary



Bill No. 36- 0024 is hereby approved.

Witness my hand and the Seal of the Government of the United States Virgin Islands at Charlotte Amalie, St. Thomas, this 5th day of July, 2025 A.D.


Albert Bryan Jr.
Governor