

ACT NO. 9 1 6 1

BILL NO. 36-0301

THIRTY-SIXTH LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2026

An act amending title 14 Virgin Islands Code prohibiting incarcerated persons from possessing or using electronic communication or recording devices

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Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 14 Virgin Islands Code, chapter 33, section 665 is amended by adding the following subsection (c):

“(c)(1) It is unlawful for any individual in the custody of the Virgin Islands Bureau of Corrections to knowingly and intentionally possess, either actually or constructively, any:

- (A) cellular telephone;
- (B) electronic recording device;
- (C) wireless communication device; or
- (D) equipment capable of audio or visual recording, transmitting, or live broadcasting.

(2) For purposes of this subsection, “constructive possession” means any situation in which an individual is aware of the presence of a prohibited device listed in subsection (c)(1) and has the ability and intent to exercise dominion or control over the device, either individually or jointly with others.

(3) Any person who violates this subsection is guilty of a felony and, upon conviction, is subject to imprisonment of not less than one year and not more than five years, or a fine of not more than \$5,000, or both.

(4) Any person who aids, abets, facilitates, or conspires with another to use a prohibited device to record, transmit, or disseminate violent acts or disturbances within a correctional facility shall be charged as a principal.

(5) Individuals who knowingly participate in acts of violence in proximity to a prohibited device, or who allow such acts to be recorded without reporting to the Warden or the Warden's designee, the Director of the Bureau of Corrections, or a correctional officer assigned to the facility or attempting to prevent them is guilty of a felony and, upon conviction, is subject to imprisonment of not less than one year and not more than five years, or a fine of not more than \$5,000, or both.

(6) The Bureau of Corrections shall implement policies for the detection and seizure of prohibited devices, including the use of signal detection technologies, physical searches, and enhanced monitoring.

(7) All correctional officers shall receive annual training on the detection and handling of prohibited devices."

SECTION 2. The provisions of this section shall not apply to any electronic communications device, recording device, or related equipment expressly authorized by the Director of the Virgin Islands Bureau of Corrections for legitimate institutional, educational, medical, rehabilitative, vocational, legal, investigative, or administrative purposes subject to any policies and procedures the Director may prescribe.

SECTION 3. This act shall take effect 90 days after enactment.

Thus passed by the Legislature of the Virgin Islands on September 25, 2026.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 25th day of September, A.D., 2026.



A handwritten signature in black ink, appearing to read "Milton E. Potter", written in a cursive style.

Milton E. Potter
President

A handwritten signature in black ink, appearing to read "Avery L. Lewis", written in a cursive style.

Avery L. Lewis
Secretary



Bill No. 36- 0301 is hereby approved.

**Witness my hand and the Seal of the Government of
the United States Virgin Islands at Charlotte Amalie,
St. Thomas, This 7th day of October, 2026 A.D.**

A stylized blue ink signature, appearing to read "GOUGH", written over the printed name.

**Albert Bryan Jr.
Governor**