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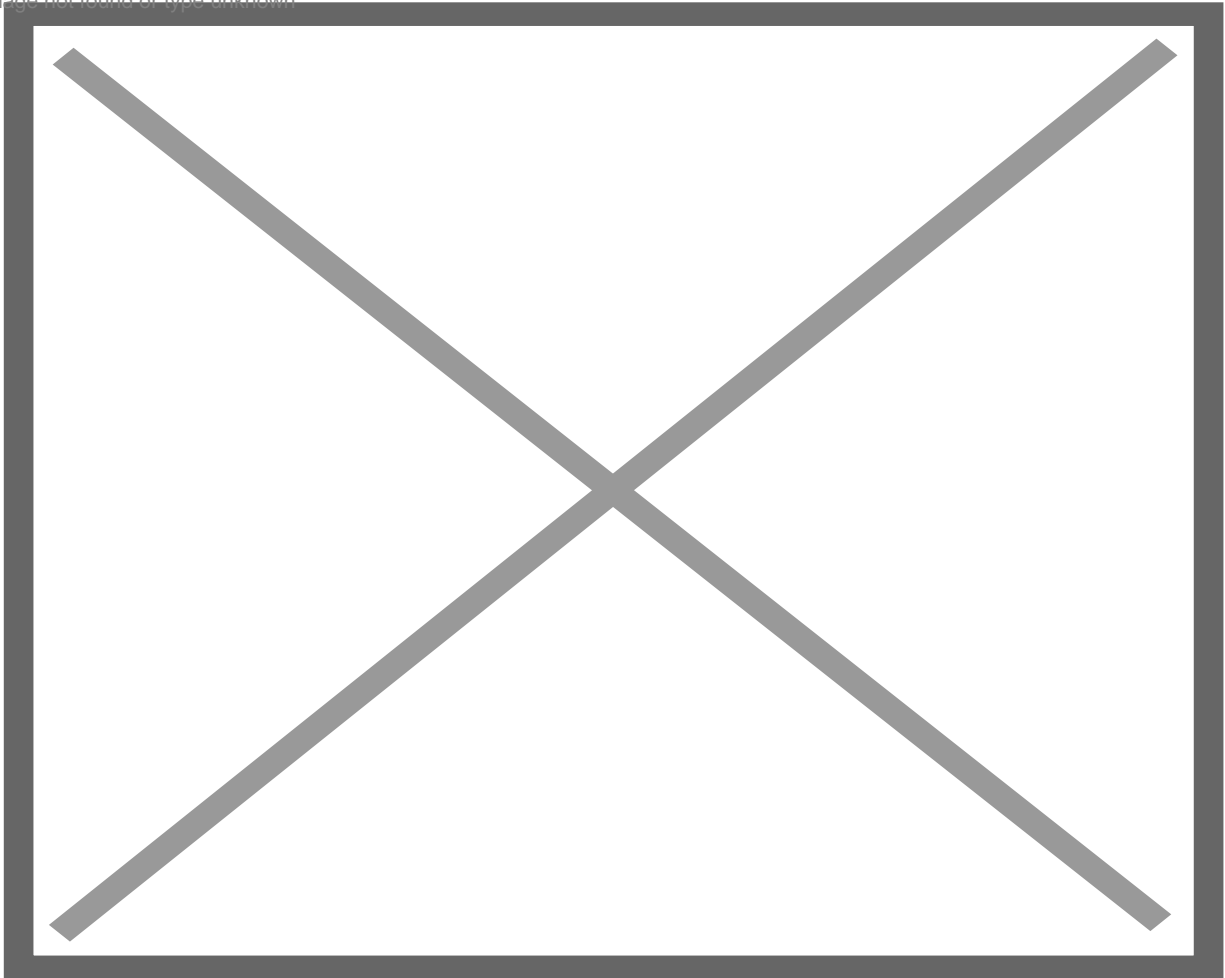
Senate Bill Aims to Combat 'Revenge Porn' in the Virgin Islands

First offense to be misdemeanor, repeat offenses felony under new bill

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A bill introduced to the Senate on Tuesday hopes to protect victims whose sexually explicit images have been shared without their consent – a practice often called “revenge porn” – as well as prevent such instances in the future.

Senator Donna Frett-Gregory, introducing Bill 35-0182 to the Committee on Homeland Security, Justice and Public Safety, observed that with the current age of technology “more and more people are becoming victims in a whole new way.” The measure, if ultimately passed into law, would amend Title 14, Chapter 51 of Virgin Islands Code by designating the existing provisions as subchapter I and adding a subchapter II relating to the non-consensual dissemination of sexually explicit images. Under the proposed legislation, the first offense would be a misdemeanor

offense with a prison term not exceeding one year, and future offenses would be deemed a felony. The statute of limitations for filing a criminal complaint will be two years after the victim becomes aware of the “revenge porn” incident.

Similar laws have already been enacted in 48 states, the District of Columbia, Guam, and Puerto Rico. In the USVI, Ms. Frett-Gregory’s bill would criminalize “the practice of disseminating non-consensual content of a sexually explicit nature if the perpetrator acted with a specific intent,” which could include harassment, intimidation, threats, coercion or inflicting physical, emotional or financial harm.

The draft legislation would make the non-consensual dissemination of sexually explicit images the 15th crime of domestic violence crime in the territory.

Timothy Perry, criminal chief in the Department of Justice for St. Thomas, St. John and Water Island testified on behalf of the Office of the Attorney General. While generally supportive of the draft bill’s intent, Mr. Perry encouraged minor changes that could strengthen its language. As written, he observed that the bill would allow “a defendant in this type of a case [to] assert a defense if they can prove they lack the intent to harass the person or did not know that the image was supposed to remain private.” Additionally, a defendant could assert that they did not know that consent – actual or constructive – was necessary, Mr. Perry said. These possible defenses could “make prosecution of this bill if passed in its current form challenging,” he observed.

Mr. Perry also questioned what “human, financial, technological resources” would be required by the VIPD to investigate these crimes, as well as by the Department of Justice to “prosecute under this new legislation.” “Creating new laws without a coexisting plan of action lessens the deterrent effect,” he warned.

The VIPD, too, suggested minor changes to the draft bill. Assistant Commissioner of Police Mario Brooks told lawmakers that the VIPD has “witnessed firsthand the devastating impact of non-consensual pornography on individuals in our community.” He predicted that if implemented, the bill would “send a clear message that this behavior will not be tolerated.”

However, Mr. Brooks encouraged lawmakers to revisit the age limitation stated in the bill. “Excluding minors from the scope overlooks the significant prevalence of non-consensual dissemination of sexually explicit images among young people, particularly in our school systems,” he said. He informed committee members that 16 out of 23 cases of this nature filed with the VIPD since 2022 “involve distribution by minors.”

The Office of the Territorial Public Defender “takes no position on the necessity of the legislation,” according to its chief, Julie Smith Todman. However, she referenced the declaration by the Superior Court of the Virgin Islands during [People of the Virgin Islands v Roebuck](#) that the USVI was in the minority “by not having a statute concerning the non-consensual publication of sexually graphic images.”

For Dr. Clema Lewis, executive director of the Women’s Coalition of St. Croix, repeat offenders of the proposed legislation “should be added to the sex offender registry.” Ms. Lewis, whose organization provides support to women who have been victims of crime, said that while men are also affected, women remain the disproportionate victims. Many “are too ashamed to report this incident because of the embarrassment and the stigma in this small community,” bemoaned Ms. Lewis.

Senators in attendance at Tuesday's hearing expressed overwhelming support for the bill, with Senator Alma Francis-Heyliger emphasizing the necessity of a public awareness campaign if the measure is enacted into law. "I do believe that we do have to invest [...] to make sure that this information is pushed out to the public," she said, suggesting that "limited funding" be allocated for that purpose. Ms. Lewis assured that she would be "more than willing to put the information out to educate. That's part of our job."

Ultimately, six out of seven committee members voted the measure through to the Committee on Rules and Judiciary following a waiver of the reading of amendments to Bill 35-0183. Senator Ray Fonseca voted against the bill, contending during his line of questioning that further amendments needed to be made to prevent what he called "reverse revenge."