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Senate Approves Bill to Criminalize Perjury Before the Legislature

Despite existing laws and concerns over redundancy, lawmakers pass Bill 35-0269 to enforce penalties for false testimony before the Virgin Islands Legislature, aiming to enhance accountability and integrity in legislative proceedings

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V.I. Kenneth Gittens By. V.I. LEGISLATURE

Despite the failure of Senator Kenneth Gittens's [ethics and conflict of interest bills](#) to advance out of the Committee on Rules and Judiciary, a related measure criminalizing perjury before the V.I. Legislature was approved by lawmakers last Thursday.

Bill 35-0269 makes knowingly telling falsehoods before the Legislature a criminal offense. According to Mr. Gittens, “Our code does not have any penalty towards individuals that come before the Legislature that are sworn in, providing testimony or responses to the legislative process, and there's no repercussion if they were to be lying before the body. This bill simply puts that in place within our code.”

With the legislation in place, the Senate would be able to “take action similarly to that of what is done in Congress, and these fines that will be levied would be personally borne by the individuals who have perjured themselves before the legislature,” Mr. Gittens added. He admitted, “As a chairman, I don't usually swear in people because currently there's no repercussion if they were to lie before the body.”

Acting Attorney General Ian Clement argued, however, that the bill may be redundant. “The language in Bill number 35-0269 is similar to that found in 14 Virgin Islands Code Section 1541, which defines perjury as a criminal offense,” he said. He also noted that other jurisdictions do not have a separate criminal offense for false statements before the legislature, instead incorporating it under their general perjury statutes.

Senator Alma Francis Heyliger, who does not sit on the Rules & Judiciary Committee, agreed that the proposed bill was a duplication of efforts, particularly hers. Act 8587, which was passed two years ago, already covered giving false statements and making fraudulent claims upon the government. “When I drafted this piece of legislation, I did not limit it to just the legislature; I covered the entire government,” Ms. Francis Heyliger said.

Legal counsel, when asked, disagreed that the language of Act 8587 extended to those providing testimony before the legislature. However, the lawmaker insisted that was the case. “It speaks to making any materially false or fraudulent statements or representations. That is giving testimony. If you come before the body and make a statement, that's giving testimony,” Francis Heyliger pointed out. “It specifically says in the jurisdictions of the executive, legislative, and judicial branches,” she continued.

Francis Heyliger recounted the impetus for her legislative efforts. “There was a day on the Senate floor when we were asking about the 911 system, and a testifier told us that there were multilingual individuals assisting our residents. One of my colleagues got up and called into the 911 system. It was, I believe, Senator Johnson, and we found out at that time there was absolutely no multilingual situation going on,” Francis Heyliger recalled. “I came back to the Senate floor very upset and angry that I felt we were lied to. At the end of the day, it created a situation in my head that was very dangerous for the people of this territory, and that is what prompted that piece of legislation,” she explained.

Even so, the bill was voted on favorably by committee members. Mr. Gittens responded to his colleague's concern by highlighting the specific nature of Bill 35-0269. “This matter today speaks directly regarding perjury before the legislature and having the penalties assigned to those who perjure themselves before the Legislature.” The measure will now be considered by the full Senate body.