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Outdated Virgin Islands Code Faces Over 1,000 Proposed Amendments in New Legislative Push

Modernization effort, led by Senator Diane Capehart, aims to address decades of neglect in the Virgin Islands legal framework, starting with 'low-hanging fruit' amendments

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Senator Diane Capehart is leading the effort to modernize outdated Virgin Islands Code.
By. V.I. LEGISLATURE

The Virgin Islands Code requires “well over 1,000 amendments” to update the laws of the land, lawmakers heard on Monday, when Code Revisor Iver Stridiron reported to a special meeting of the Senate Committee on Rules and Judiciary. According to Mr. Stridiron, many portions of the Code have remained unchanged since 1958, and any subsequent updates have been “sporadic,” he said.

Monday's committee meeting was intended to function as a symposium, offering agency heads the chance to highlight antiquated sections of the Code that require updating. "The rule of thumb is that codes of laws throughout the country are generally updated every 10 years," noted Mr. Stridiron. The USVI has fallen nearly seven decades behind.?

According to Committee chair Diane Capehart, the symposium "provides a platform for legislators to address key legislative issues and identify how outdated legislative policies impact the operational functions of the agencies." Monday's meeting was only the start of what is expected to be a protracted process. Only three entities appeared before the Legislature on Monday: The Department of Licensing and Consumer Affairs, the Judiciary of the Virgin Islands, and Attorney Russel Pate in his private capacity. Five lawmakers attended.?

After listening to suggested amendments by DLCA and Mr. Pate, lawmakers are expected to vote on the proposals at another Rules and Judiciary meeting scheduled for August 26th.?

"You simply cannot drop 1,000 amendments or 1,000 bills on the Legislature, because you would overwhelm the process," agreed Mr. Stridiron. He anticipates that the entire modernization process could last "a number of sessions of the Legislature [or] probably a number of different Legislatures." He proposed beginning with "low-hanging fruit that we think that all senators will be able to pass without much controversy."?

For Mr. Pate, a worthwhile amendment would involve clarifying the statute of limitations for employment lawsuits, detailed under Title 5, Section 31 of the V.I Code. The Wrongful Discharge Act passed in 1986 "as an oversight, did not specify a statute of limitations," noted the attorney. "If the V.I Code creates a legislative remedy but does not specify a time period, then six years is the time period," Mr. Pate. It is this default six-year period that the attorney believes should be reduced to two years, in line with the amount of time an individual paralyzed in an accident has to initiate litigation. "Why would someone who was fired proceed six years to wait before suing further?" wondered Mr. Pate.?

"Businesses should not have to hold their breath for six years for a lawsuit on a Labor Employment issue," contended Mr. Pate. "Those fired, terminated or treated unfairly do not need six years to contemplate to sue." While lawmakers generally agreed on the need to formalize a statute of limitations, Senator Milton Potter wondered whether there would be any impact on the pursuit of justice. In reply, Mr. Pate explained that the amendment would instead allow "the courts to be able to try cases faster." Meanwhile, Senator Marise James suggested that two years could be too short, and urged finding a "happy medium."

Like Mr. Stridiron had contemplated, Senator James advised that the planned amendments would "require more than just sitting in a symposium." The remark came while the lawmaker commented on proposed Code amendments from the Department of Licensing and Consumer Affairs's attorney, Geraldine Vaval.

Among DLCA's many recommendations for the day was amending Title 3, Chapter 16 Section 272 b(4)(5) relating to establishing all licensing fees. "We want to add 'and licensing categories' striking out 'not otherwise established by law'", explained Ms. Vaval. DLCA wishes to further amend sections of the legislation that would allow them to increase fines for violations of regulations to "not less than \$250 and not more than \$10,000 and at the discretion of the commissioner and for good cause." Current fines range from \$25 to \$1,000.

Licensing fees "[have] not been increased across the board by the Legislature since July of 1973. This amendment would give the department the authority to increase licensing fees as

appropriate,” argued Ms. Vaval.

DLCA also wishes to make changes to Title 3, Section 16 Section 272 b(5), “dissolving the Alcohol Control Board and establishing the Alcohol Control Unit.” Lawmakers agreed that the current Board does not function as intended. Also of note was DLCA's desire to strengthen laws relating to the sale of alcohol to minors. Up for consideration is a change that would make an individual who “willfully and unlawfully sells or furnishes alcoholic beverages to a person who is not of lawful drinking age...liable for injury or damage caused by or resulting from the intoxication of such minors.” Similar liability would befall individuals who “knowingly serves a person habitually addicted to the use of any and all alcoholic beverages.”

?Lawmakers must now consider these proposals while preparing to hear more recommended amendments from a laundry list of entities. The code revision exercise, Mr. Stridiron contends, it is a necessary process. “There's a provision in the code that says that if a person is a habitual drunkard, they can't vote in the Virgin Islands,” he shared. “It talks about lunatics and idiots, all of the kinds of verbiage that we no longer use in the Virgin Islands or elsewhere.”

It remains to be seen how long this revision process will last.