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Bill to Tighten Domestic Violence Bail Laws Gains Senate Committee Approval

Bill 35-0399 introduces mandatory bail minimums of up to \$15,000 and eliminates 10% payment options to ensure consistent and stringent measures against domestic violence offenders

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The bill introduced by Senator Angel Bolques Jr. to strengthen laws to protect domestic violence victims “makes a very strong statement, and has a very good chance of preventing people from committing domestic violence,” according to Attorney General Gordon Rhea. He spoke during his testimony in support of the measure during Thursday’s meeting of the Committee on Rules and Judiciary.

Bill 35-0399, if enacted into law, would set a mandatory minimum bail amount of \$1000, \$5000 or \$15,000 depending on the nature of the offense, and eliminate the option for the payment of

only 10% of that sum, among other related changes. According to Senator Bolques, “the current bail statute is ambiguous and it has led to inconsistent and sometimes lenient bail decisions in domestic violence cases.” He reminded his colleagues of a recent spate of domestic violence-related shootings and strangulations that have happened in both districts in the past year. “It’s our responsibility as lawmakers to take action and to ensure that our laws reflect a commitment to protecting victims and holding perpetrators accountable,” he said.

As Bolques explained, the bill “includes provisions to require that the defendants demonstrate that they are not a danger to the victim before being released.” Further, if a defendant is found to be in contact with the victim after being released from detention, the bill dictates that they are immediately remanded into custody once more. “I believe that this bill...is a necessary step for creating a safe and more just community,” the lawmaker declared.

Similar sentiments were echoed by Attorney General Rhea, who apprised lawmakers that the existing bail statute “is ambiguous in some instances.” Judges often “deviate from the intent of the current law by assigning bail to domestic violence defendants upon lesser financial conditions than the law provides,” he noted. “This has led to dangerous defendants being assigned artificially low bail due to the domestic violence designation,” Mr. Rhea shared.

According to the attorney general, it is clear that existing laws sought to establish a minimum bail, but “that purpose has been circumvented by defendants who realized they could avoid the bail provisions of Section 90 9b by requesting to post 10% of the required bail, plus \$1.” This results in some individuals being granted bail for as little as \$101. These realities are why the AG’s office expressed strong support for the bill, with Mr. Rhea noting that “the Legislature surely did not mean for the perpetrators of domestic violence to be subjected to lower bail than other offenders.”

It was largely agreed that Bill 35-0399 will only bode well for would-be victims of domestic violence in the Virgin Islands. Still, Senator Milton Potter was interested in understanding how the Attorney General’s Office would measure the success of the new mandatory minimums for bail in domestic violence cases. “The number of domestic violence incidents and arrests should show a decrease...This provision may well be the cause for that decrease. That would be a pragmatic way of measuring it in real life,” Mr. Rhea explained.

Senator Carla Joseph, though stating that she has no issue with the proposed amendments, noted that “people get hot-headed sometimes, and if it isn’t something that’s habitual, they should be given those opportunities to cure and receive some counseling. We all have done things that we need second chances.” She was pleased that the bail requirements varied based on whether prior domestic violence offenses have been committed.

Following a favorable vote in the Committee on Rules and Judiciary, Bill 35-0399 will now be considered by the full body during an upcoming Legislative session.