

The Virgin Islands Consortium

Bolques Reintroduces Domestic Violence Bail Reform Bill With Key Changes

Bill 36-0005 eliminates minimum bail mandates, restores judicial discretion, and includes risk assessments and non-monetary release conditions. It received support from advocacy groups and was favorably voted out of committee.

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Senator Angel Bolques Jr. By. V.I. LEGISLATURE.

After his bill seeking to implement a minimum bail amount for domestic violence matters was [vetoed by Governor Albert Bryan Jr.](#), Senator Angel Bolques said he returned to the drawing board, consulting with the V.I. Department of Justice and the V.I. Police

Department to refine his proposed legislation.

On Thursday, Mr. Bolques presented Bill 36-0005, previously Bill 35-0399, to the Committee on Homeland Security, Justice and Public Safety. At the time of the veto, Governor Bryan expressed concern that the measure would disproportionately penalize those living in poverty while removing judicial discretion to evaluate individual cases. Instead of addressing the “root cause of violence,” the governor argued that the legislation “inflicts a penalty on poverty.”

On Thursday, Senator Bolques clarified that this was not his intention. “Colleagues, this legislation does not punish poverty. It does not remove judicial authority. What it does is prioritize victim safety, promote accountability and introduce a system of informed balance, pre-trial decision making,” the lawmaker stated.

According to Bolques, the new bill “addresses every issue raised.” The measure, he shared, “eliminates mandatory minimum bail amounts and instead requires courts to assess the defendant’s actual risk to the victim and the community.” Additionally, it “allows for fully secured bail only when there is clear and convincing evidence of danger or flight risk, thus restoring and respecting judicial discretion.” The bill “empowers the court to consider non monetary release conditions such as electronic monitoring, house arrest or mandatory check-ins when financial hardship is demonstrated,” added Bolques.

Alleged victims and law enforcement will be allowed to provide input before bail decisions are made, the lawmaker explained. Further, the refined bill “provides access to court-approved Domestic Violence Intervention Programs for all defendants, regardless of their financial status.”

Bill 36-0005 received the backing of the leaders of the Women’s Coalition of St. Croix and the Family Resource Center, both of whom testified to observing troubling increases in domestic violence. “This bill is very important to our community,” said Dr. Clema Lewis, who leads the Women’s Coalition of St. Croix.

“This bill marks a pivotal step in strengthening protections for survivors of such crimes within our community,” said Anya Stuart, the Family Resource Center’s executive director. “Implementing these measures fosters a culture of accountability and respect for victims, encouraging more survivors to come forward,” Ms. Stuart said. She asserted that the bill “strengthens community trust in the justice system.”

Then, lawmakers listened to a lengthy testimony from Julie Todman-Smith, the Chief Territorial Public Defender, who initially indicated that she and her office “strongly oppose” the bill. However, it soon became apparent that Ms. Todman-Smith, who was not among those invited to testify on the bill, had not received a copy of the amendments until Thursday afternoon, shortly before reading her testimony into the record.

After having had the opportunity to review the revised legislation, she clarified to Senator Avery Lewis that “the amendment addresses many of the things that I raised in my testimony... I wish I’d had this amendment prior to my testimony, because it does seem to address all of the issues that I raised.”

Attorney General Gordon Rhea, outlining the usefulness of the new amendments, called on “this esteemed body to pass bill number 36-0005, which underscores our commitment

as a community to protecting victims of domestic violence and holding offenders accountable.”

When the bill was first introduced by Bolques in the 35th Legislature, it received backing at every step of the approval process. On Thursday, lawmakers adopted the same posture.

“I have no further questions,” stated Senator Franklin Johnson after verifying that Ms. Todman-Smith had no additional concerns.

“I voted for this bill last year. I’ll vote for it again this year. Simple as that,” said Senator Dwyane DeGraff.

“I really want to commend the bill sponsor for bringing forward this very important piece of legislation that addresses the increasing violent activities within our community,” added Senator Carla Joseph, a non-committee member present for Thursday’s meeting.

Senator Ray Fonseca, who also lauded the bill, encouraged mandatory participation in anger management classes for the accused. He learned from Bolques that this provision is included in a pending amendment.

The bill, voted upon favorably by the six committee members present at the meeting, will be considered once more in the Committee on Rules and Judiciary before proceeding to the full body and then the governor’s desk once more.