

The Virgin Islands Consortium

Francis Heyliger's Bill to Raise Gov't Liability Cap From \$25K to \$150K Held for Further Review

Senator Alma Francis Heyliger's bill to increase the damages cap for claims against the GVI was paused in committee after lawmakers raised fiscal concerns and the V.I. Department of Justice was not present to provide key testimony.

Government / **Published On April 16, 2025 06:10 AM /**

Nelcia Charlemagne **April 16, 2025**



Senator Alma Francis Heyliger is determined to amend a 1971 law that caps the maximum judgement amount for the award of damages against the Government of the Virgin Islands at \$25,000. However, by the end of Tuesday's meeting in the Committee on Budget, Appropriations and Finance, she agreed that her proposal to raise that cap to a figure more commensurate with the present day needed additional work.

Francis Heyliger introduced Bill 36-0042, which would have amended Title 33 Virgin Islands Code, subtitle 3, chapter 118, section 3411, to increase the maximum award in a judgement against the government to \$150,000.

“You could run them over with a car, and they can't get more than \$25,000. There could be an incident where somebody is shot and they can't get more than \$25,000,” Senator Francis Heyliger lamented. The St. Thomas lawmaker initially wanted to increase the maximum tenfold, but eventually settled on a figure of \$150,000 “in the spirit of compromise.”

According to Francis Heyliger, the bill serves two purposes. “It's to help compensate people who might need to be compensated when we, as a government, do something wrong,” she said. Additionally, she hopes the measure could incentivize government employees to carry out their duties with additional care. “If we know we're going to have to potentially pay out a maximum of \$150,000 if something occurs, we might actually run this government better,” she offered.

Representatives from the League of Women Voters were invited to comment on the bill. LWV member Dr. Felicita Richards indicated that the organization “supports the bill in proposing that the ceiling should be increased.” However, Richards expressed some concerns about the source of funds for the increased damages amount. She also questioned Francis Heyliger's assumption that a higher maximum would incentivize positive behavior. “Employees within government might reason that it is the government being sued, not them personally,” Richards said.

The V.I. Department of Justice was not invited to testify on the matter, an omission that troubled several lawmakers, and led to the measure ultimately being held in committee.

“I do agree that there's a need for an increase,” said Senator Kurt Violet, who nevertheless stopped short of endorsing the bill as written. “Absent the Attorney General being here...it's hard for me to really determine that we should go ahead,” he told Senator Francis Heyliger. With no legal experts at the testifier's table, lawmakers were unable to ascertain key information, including how many judgments have been paid out over any particular timeframe.

Referencing the FY2025 budget, Violet told colleague lawmakers that only \$250,000 was set aside for judgments over \$25,000. That amount, he calculated, “will take care of one and three-quarters of this measure.” Prior testimony from VIDOJ indicated that the current allocation was not enough. “If you do 10 times \$150,000, you're looking at that appropriation being \$1.5 million,” Violet noted, arguing that it may still be insufficient to meet the intended need.

Julio Rhymer, director of the Office of Management and Budget, who was present on Tuesday, offered his perspective. “As we struggle to actually just pay the current claims, the risk of increasing it to this amount just creates more issues...\$150,000 for me is really a stretch, and I don't think the government can afford it,” he volunteered.

According to calculations presented by Senator Marvin Blyden, the \$25,000 value established in the 1971 bill is equivalent to approximately \$200,000 in 2025.

After a break to consider the proposed legislation before the committee, lawmakers agreed to continue working on the bill. “Yes, we would like to increase it, but we would like to have additional testimony from the AG’s Office, and hopefully we will come to an amenable number so that the people will benefit from this piece of legislation,” said Senator Francis Heyliger after the vote.

© Viconsortium 2026