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Bill Mandates Long-Term Restitution for Minors If Parent Is Killed or Disabled by DUI or Reckless Driving

With unanimous committee approval, Jah'niqua's Law moves forward, mandating financial restitution from convicted offenders to children of victims killed or permanently disabled in DUI or reckless driving incidents.

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Scene of a DUI crash near D.C. Canegata Ballpark in Oct. 2020 involving a Range Rover, Ford Explorer, and Lexus. The impact left one man trapped and critically injured. By. REEMY-REEMZ PHOTOGRAPHY & VIDEOGRAPHY

Members of the Committee on Homeland Security, Justice, and Public Safety have vetted and approved Jah'niqua's Law. This legislation is expected to provide support to minors whose parent

or guardian was killed or gravely injured as a victim of negligent driving or driving under the influence.

“This bill addresses the profound and long-lasting consequences of negligent, reckless or impaired driving on families in our community,” said Senator Gittens on Thursday. As written, [Bill 36-0027](#) requires someone convicted of negligent vehicular homicide or driving under the influence to pay restitution to minor children of their victims, if the victims die or are permanently disabled as a result. The payments are to continue until the child turns 18, or 19 if still enrolled in high school. According to Gittens, the bill is a “restorative justice measure” that “hold offenders financially accountable for the long-term impact of their actions.”

Both Gittens and the V.I. Police Department are hoping the bill will serve as a deterrent. Daphne O’Neal, VIPD director of the Office of Highway Safety, called the law “essential.” According to Ms. O’Neal, the legislation “aligns with our collective commitment to justice and public safety. It provides a mechanism to alleviate some of the burdens placed on families left behind.”

Attorney General Gordon Rhea was supportive as well. He noted that Bill 36-0027 requires the courts to consider several factors when determining the amount of child maintenance to be paid., including “the financial needs of the child, the financial resources of the disabled victim or surviving parent, the standard of living the child is accustomed to and reasonable child care expenses.”

Lawmakers were also generally in favor of the proposed measure, with Senator Novelle Francis calling it “an important piece of legislation.” Senator Angel Bolques Jr. wondered what arrangement would be made if the convicted individual lacked the financial resources to maintain restitution payments. “There may be some requirements imposed by the court that you sell property or do things like that to raise the funds,” Mr. Rhea offered. He assured that the court would approach each case individually.

“If the offender is incarcerated, it may be more difficult to get the funds, and getting the funds right away is critical,” Mr. Rhea added later. Notwithstanding, he considered the bill a better option than a civil case. “In our court system today, that can take literally years before the funds would come, and by that point it's too late.”

Jah’niqua’s Law would grant the courts the authority to issue an order to pay restitution. “If they don't pay, they could be held in contempt by the court. So they're looking at some severe penalties if they don’t comply,” said Mr. Rhea. He was responding to Senator Avery Lewis, who had posed a question about compliance and possible wage garnishment after the convicted individual is released. According to the bill, a defendant who is incarcerated “has not more than one year after the release from incarceration to begin payments, including entering into a payment plan with the clerk of the court to pay any arrearage.”

Meanwhile, Senators Franklin Johnson and Alma Francis Heyliger were concerned about infringing on the rights of the defendants. Johnson was particularly interested in ensuring that the bill “does not infringe on defendants' constitutional protection such as double jeopardy, while still allowing victims to pursue separate civil recovery.”

According to Attorney General Rhea, “there's really no double jeopardy here, because double jeopardy means you can't be tried criminally twice for the same thing, but the civil action would not be a criminal action.”

With their concerns and queries addressed by the attorney general, all seven committee members ultimately voted in favor of the bill, which will now move to the Committee on Rules and Judiciary for further vetting.

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