

The Virgin Islands Consortium

Bill Mandating 12 Annual DUI Checkpoints Draws Broad Support but Stalls Over Funding Questions

Agencies praised the proposal's potential to reduce impaired driving and save lives, but senators held the bill in committee as questions lingered over court-managed fines, general fund impacts, and how a new safety fund would be financed.

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A proposal aimed at expanding sobriety checkpoints across the U.S. Virgin Islands stalled in the Senate Committee on Budget, Appropriations and Finance on Tuesday—not because of opposition to stronger DUI enforcement, but over unresolved questions about how the effort would be funded and whether it would divert money from the general fund.

Bill No. 36-0221, sponsored by Senator Ray Fonseca, would require the Virgin Islands Police Department to conduct no fewer than 12 sobriety checkpoints each calendar year territory-wide and would establish a new, non-lapsing Impaired Driving and Highway Sobriety Checkpoint Program Safety Fund. The measure was introduced in response to incidents of impaired driving that have, in some cases, resulted in fatalities.

While the bill drew broad support from executive agencies tasked with public safety, lawmakers ultimately chose to hold it in committee after concerns surfaced over the mechanics of funding the proposed program.

During Tuesday's meeting, Department of Finance representative Clarina Modeste-Elliot placed the agency's support for the legislation on the record, emphasizing the wider costs of impaired driving.

"Impaired driving affects not only the individuals involved, but also strains public resources through increased emergency response costs, healthcare expenditures, roadway damage and long term public health impacts," she said. The bill, she added, "represents a thoughtful and necessary step toward mitigating those costs while improving roadway safety for residents and visitors alike."

Beyond mandating sobriety checkpoints, the bill establishes how money would be collected, allocated, and reported. Under the proposal, fees collected from impaired driving citations would be deposited into the safety fund and used by the VIPD to conduct future checkpoints and purchase necessary equipment and physical resources. The bill also sets allocation percentages, operational standards, and reporting requirements.

Ms. Modeste-Elliot confirmed that the Department of Finance is "fully prepared to fulfill its statutory responsibilities under this framework," and said the agency supports the reporting provisions, which would require the VIPD to submit an annual report by December 1 detailing checkpoint activity by island and date, staffing and costs, arrests by offense category, and related data. She also pledged that the department would provide "timely and auditable reports" to the Legislature.

The Office of Highway Safety also voiced strong support for the measure. Director Daphne O'Neal told lawmakers the VIPD would welcome an additional funding source to help address impaired driving across the territory.

"The VIPD will support any additional funding source which will assist in addressing the impaired driving infractions throughout the territory," O'Neal said.

She shared data showing that in 2023, the territory recorded two road fatalities linked to driving under the influence, followed by one DUI-related fatality in 2024. The VIPD is currently awaiting laboratory results in what they believe may be a related fatality in 2025.

According to O'Neal, a combination of education outreach and high-visibility enforcement has helped reduce crashes, but she stressed that continued action is necessary.

"Any action taken which reduces impairment on the road saves lives," she said. "Legislative action and funding are the strongest tools available to protect the citizens and visitors in the territory... This legislative action would make education, checkpoint activity and high visibility enforcement more likely to change behavior and reduce

recidivism.”

The VIPD already conducts sobriety checkpoints, and O’Neal said the bill’s requirement of 12 checkpoints per year is “well within what can be done operationally.” The legislation calls for four checkpoints each on St. Thomas and St. Croix, two on St. John, with the remaining balance allocated based on data. She suggested the bill could be amended to clarify that the program is “augmenting the sobriety checkpoints that are currently in place.”

Despite this support, lawmakers from both sides of the aisle raised early concerns about how the proposed fund would be financed—particularly because traffic citation payments are processed through the court system.

Senators Novelle Francis, Hubert Frederick, and Dwayne DeGraff questioned whether the bill would divert revenue that currently flows into the general fund.

“The issue is how will this non-lapsing fund that is being generated here or determined to be associated with this measure? What will be the funding source?” asked Senator Francis, the committee’s chair.

Ms. O’Neal responded that the only available option would be to work with the courts to determine how much is collected annually by citation type.

“The only course available to us is to go back to the courts and by citation type, get what is collected on a yearly basis,” she said.

Senator Kurt Violet echoed the need for clarity, saying lawmakers need to understand “how much is actually being collected and what would be deposited into the particular fund.”

During the meeting, Senator Carla Joseph contacted the administrator of the courts, later reporting to the committee that, according to the administrator, “even the court costs are paid into the general fund.”

Currently, the Office of Highway Safety relies on federal funding to conduct sobriety checkpoints, a point that further complicated the discussion.

“One of the difficulties I’m having is being able to take away money from the general fund,” Senator Francis said. “Even though this is a very important initiative – I support DUI enforcement – I believe that there’s opportunities there via federal funds.”

“You’re asking that we should remove or take away money from going to the general fund now to be able to create a separate and distinct fund,” he added, noting that the Office of Highway Safety does not yet know how much revenue the proposed fund might generate.

Although Senator Fonseca emphasized that the bill is intended to “increase enforcement” and “save lives,” he ultimately requested that the measure be held in committee to allow time for further refinement and clarification before moving forward.

