

The Virgin Islands Consortium

Nelson's Stalking Bill Signed Into Law

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ST. THOMAS -- Governor Kenneth Mapp has signed into a law a bill sponsored by veteran Senator Terrence "Positive" Nelson -- an act establishing judicial procedures for stalking victims and redefines terms relating to the crime of stalking.

"I approved bill No. 31-0011 because stalking is a very serious issue and I believe this bill provides an avenue of help that stalkings victims do not now have," Mapp said in a note accompanying the approval.

Nonetheless, the governor said he has identified areas in the measure that conflicts will local law and urged senators to revisit the legislation, as these issues could "invite serious legal challenges."

"First, the bill requires that a hearing be held on a petition for an order of protection. It provides for a continuance for good cause upon the motion of either party, but it does not require the court to continue the matter within a reasonable timeframe," Mapp said. "Proceedings such as the one contemplated in the measure should be the kind of proceedings which require swift and summary attention."

In relation to compensation and attorney's fees, the bill provides that the court may award attorney's fees and monetary payment to the victim for injuries incurred during the incident. But Mapp took exception with language in the measure that says if the plaintiff's case proved to be frivolous, then the defendant may be awarded attorney's fees, contending that the provision conflicts with Title 5 of Virgin Islands Code, Section 541, which provides that prevailing parties may petition the court for an award of cost and fees.

"Section 541 does not condition an award of cost and fees on a defendant proving that a petition or claimant was frivolous, so why is there such a provision in the measure?" asked the governor. He said this provision remains his biggest concern, because it "may dissuade people from filing such petitions if they are concerned that they could be saddled with the cost of paying for a defendant's attorney's fees."

Feature Image: Senator Nelson speaks at the Budhoe Park in Frederiksted during a press conference organized by his office in March to make available information about his stalking and harassment measures, among bills.