

The Virgin Islands Consortium

New Bill Requiring Seatbelt For Backseat Passengers, Measure Looking To Strengthen Loitering Law, Move Forward

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Young woman sitting in a car, putting seat belt on, going on a road trip.

A Bill sponsored by Senator Steven Payne requiring that backseat passengers of vehicles wear seatbelts was approved in the Committee on Homeland Security, Justice and Public Safety on Wednesday and will be forwarded to the Committee on Rules and Judiciary for further vetting.

Law enforcement officials testified in favor of the measure, giving statistics that revealed accidents and injuries. Between 2015 and 2019, there were 20,413 accidents territory-wide. Of the total, 61 percent of the accidents occurred in St. Thomas, 35 percent on St. Croix and 4 percent on St. John. Forty individuals died as a result of these accidents, and there were 428 rear-seat injuries, with 255 of those injured being minors under the age of 13.

According to data collected by the [Governors Highway Safety Association](#), a nonprofit representing the state and territorial highway safety offices that implement federal grant programs to address behavioral highway safety issues, 30 states, D.C., and 2 territories have laws enforcing rear seat belt use. Of these: 20 states, D.C. and 2 territories include rear seats as primary enforcement. All are states that also have primary seat belt laws for front seat occupants. Ten states include rear seats as secondary enforcement. Five of these are states with primary seat belt laws for front seat occupants. Six are states with secondary laws for adult front seat occupants.

Twenty states do not have laws enforcing rear seat belt use.

Bill strengthening loitering laws

Bill No. 33-0011, which seeks to strengthen the territory's loitering law and increase the penalty for loitering, also won approval in the Committee on Homeland Security, Justice and Public Safety.

Invited testifier Attorney General Denise George gave recommendations to lawmakers to improve the measure. "In short, any contemplated loitering law, in order to pass constitutional muster under the void-for-vagueness doctrine, should incorporate both an intent element, as well as minimum guidelines to inform police, juries, and judges of the conduct that may be considered in order to prevent arbitrary and discriminatory enforcement," she said.

Chivonne Thomas, VI Bar Association president, said in written testimony that she would not give an opinion on whether the Bar agrees or disagrees with the bill. However, she recommended that the prison term included in the measure for violators either be shortened or eliminated altogether, "to ensure that the Virgin Islands is not over-criminalizing the penalty for loitering."

"Since the 1970s, loitering laws have been the subject of much constitutional challenge throughout the states and territories. Despite this challenge, the enactment and enforcement of loitering laws is rife with dispute and often jurisdictions and their respective legislative bodies are imparted the duty of navigating the political and social land mines of strengthening loitering laws to provide law enforcement a tool in the war against crime. I do not envy your position," she said.

"The wording of the loitering legislation before you is similar to the loitering laws found in several jurisdictions. The overriding difference, however is the excessive fine and penalty for loitering," Ms. Thomas added.

Senators voted to hold in committee, Bill No. 33-0026- which sought to permit the employment of off-duty officers to provide security for authorized business. VIPD Acting Deputy Chief of Police David Cannonier stated that establishing a partnership with the

government and the private businesses is required before implementation. Some of his concerns included the availability of funds to pay officers, compensating the VIPD for equipment use, and to ensure that policies and procedures reflect those of the VIPD.

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