

The Virgin Islands Consortium

Bryan Proposes Bill Adding Criminal Penalty and Forfeiture of Property to Anything Deemed 'Public Nuisance' During State of Emergencies

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Governor Albert Bryan has forwarded a bill to the Legislature that would strengthen his authority during state of emergencies and the execution of executive orders in support of the state of emergency declarations.

in its own description, would amend Virgin Islands Code, Title 14, Section 1461 "to include as part of the definition anything that endangers the public peace, health, safety, welfare, economic well-being, or lives and property of citizens of this territory."

The Bill would amend 14 VI Code, Section 1462, "to impose criminal penalties against anyone who causes a public nuisance by taking any action or creating any condition during a State of Emergency that violates the State of Emergency Order and by adding penalties or subsequent violations of the statute."

Currently in VI Code Title 14, Section 1461, a public nuisance is described as "Anything which is (1) injurious to health, indecent, offensive to the senses or an obstruction to the free use or property, so as to interfere with the comfortable enjoyment of life or property by a considerable number of persons; or (2) unlawfully obstructs the customary free passage or use of any navigable lake, river, bay stream, canal or basin, or any public park, square, street or highway; or (3) endangers the public peace, health, safety, welfare, economic well-being, or lives and property of citizens of this territory.

Title 14, Section 1462, reads: Whoever (1) maintains or commits any public nuisance for which no punishment is prescribed elsewhere in this title or other law; or (2) willfully omits to perform any legal duty relating to the removal of a public nuisance, shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Mr. Bryan wants to add a third section to Title 13, Section 1462. The new