

BILL NO. 35- _____

THIRTY-FIFTH LEGISLATURE OF THE VIRGIN ISLANDS

REGULAR SESSION

2023

To amend Title 14, Chapter 3A, of the Virgin Islands Code, to strengthen, fund and further the purposes set forth in 14 V.I.C. § 131 *et. seq.* This amendment shall be termed, “The Victims of Human Trafficking Prevention Act.”

RECOMMENDED BY THE GOVERNOR

Be It Enacted, By The Legislature Of The Virgin Islands:

That Title 14, Chapter 3A of the Virgin Islands Code is hereby amended as follows.

SECTION 1: Title 14 of the Virgin Islands Code, chapter 3A is amended by adding a new Section 148a as follows:

(a) Appropriations and Funding allocation:

Proceeds from the sale of Little St. James, along with a portion of settlement funds from other Epstein-related cases and other human trafficking-related cases as appropriated by the Legislature, shall be used for carrying out the following purposes:

- (1) implementing the mandates of the Department of Justice, the Council on Human Trafficking, and the grant provisions, as provided in sections 148-152 of the statute;
- (2) supporting prosecution and/or civil enforcement actions by the Department of Justice, against those alleged to have participated, fostered, failed to report, or facilitated sex trafficking in the Virgin Islands;
- (3) implementing a training program for law enforcement and other victims’ advocacy stakeholders in the territory, in conjunction with national partners, focused on human trafficking and detecting the signs of such trafficking;
- (4) requiring mandatory training for all peace officers in recognizing the signs of human trafficking;
- (5) implementing the victim’s services contemplated in sections 148(d)(1) and 150 of the statute.

SECTION 2: Title 14 of the Virgin Islands Code, chapter 3A is amended by adding a new Section 133a as follows:

Mandatory Reporting:

a) Persons Mandated to Report Suspected Human Trafficking.

- (1) Any child care provider, caregiver, guardian/parent, law enforcement official, peace officer, hospital, clinic, physician, nurse or other medical provider, behavioral health professional, mental health professional, teacher/educator, school personnel, social service worker, strip club or other sexually-oriented business; business entity found to be a house of prostitution or which otherwise provides services or goods that puts it in contact with potential victims; job recruitment centers; emergency-care provider; employer, transportation worker, who has direct knowledge or information or reasonable cause to believe that a person is being trafficked, shall immediately report or cause a report to be made in accordance with the provisions of this subchapter.
- (2) In addition to those persons, officials and entities specifically required to report suspected human trafficking, any other person or entity, not listed above, who obtains a direct report, observes or has direct knowledge, that a person is a victim of human trafficking or sexual servitude, shall immediately report or cause a report to be made in accordance with the provisions of this subchapter.
- (3) Where a person required to report under this subchapter also reports suspected human trafficking to a supervisor or other government official, the person receiving that report also is subject to the mandatory reporting requirements. Nothing in this provision excuses a person from the duties under this subchapter to file a report in accordance with the provisions of the statute.

b) Failure to Report.

- (1) Any person, official, institution or entity with information or reasonable cause to believe a person is being trafficked and who is required to report that a person is being trafficked or subjected to sexual servitude as defined in this Chapter, and who knowingly fails to do so, in violation of subsection 133a (a)(1) of this Chapter, shall be guilty of a felony punishable by imprisonment of up to five years imprisonment or a fine of no less than \$5,000 and no more than \$10,000, or both for each violation.
- (2) Any other person, official, institution or entity not listed as a mandatory reporter in this Chapter, who observes or who obtains a direct report that a person is a victim of human trafficking or sexual servitude, and who knowingly fails to report, in violation of subsection 133a (a)(2) of this chapter, shall be guilty of a felony punishable by imprisonment of up to five years, or a fine of \$5,000, or both for each violation.

c) Reporting Procedures.

- (1) Reports of human trafficking and/or sexual servitude, made pursuant to this subchapter, shall be made immediately by calling the 911 Emergency Call Center or by otherwise filing a report with the U.S. Virgin Islands Police Department (V.I.P.D.) The V.I.P.D. shall cause a written report to be created, and shall take appropriate investigatory steps.
- (2) The V.I.P.D. shall, in addition to the steps set forth above, immediately relay the reported trafficking to the Department of Justice.

SECTION 3: Title 14 of the Virgin Islands Code, chapter 3A section 147 is amended by adding a new subsection (f) as follows:

(f) The Attorney General may institute an action against a person or entity that commits an offense as provided under this chapter, seeking civil penalties, compensatory damages, punitive damages, injunctive relief, or any other appropriate relief. The Attorney General’s authority under this subsection does not preclude any other remedy available to it under federal law, or any other law of the Virgin Islands.

BILL SUMMARY

This bill, “The Victims of Human Trafficking Prevention Act,” amends Title 14, Chapter 3A, of the Virgin Islands Code, to strengthen, fund and further the purposes set forth in 14 V.I.C. § 131 *et. seq.* The Victims of Human Trafficking Prevention Act: requires all proceeds from the sale of Little St. James, and certain proceeds from Epstein-related settlements as appropriated by the legislature to fund the new anti-human trafficking initiatives contained in the legislation; implements a new training program for law enforcement and other victims’ advocacy stakeholders to prevent human trafficking; mandates the creation of a conference every two years beginning in Fiscal Year 2025 to bring awareness to the problem of human trafficking; brings reporting requirements for human trafficking in line with the existing requirements for child abuse; supports prosecution and enforcement actions of the Attorney General to enforce human trafficking laws against individuals and entities that violate them and Enhances victims’ services.

THUS passed by the Legislature of the Virgin Islands on _____.

Witness our Hands and Seal of the Legislature of the Virgin Islands this _____ Day of _____, A.D. 2023

