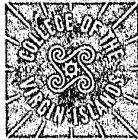
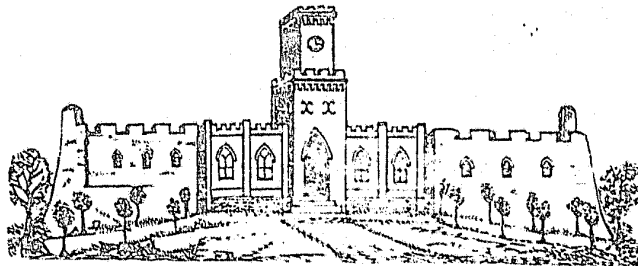


COLLEGE OF THE VIRGIN ISLANDS

Police Science and Administration



CRIMINAL LAW WORKBOOK



By

WILBUR R. BRANTLEY

Preface by

FRANCISCO CORNEIRO

Attorney General, U. S. Virgin Islands

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ACQUISITIONS

College of the Virgin Islands
Police Science and Administration Program

CRIMINAL LAW WORKBOOK

By

Wilbur R. Brantley
Director
Police Science and Administration

with Preface

By
Francisco Corneiro
Attorney General
U.S. Virgin Islands

Dr. John Bacher, Chairman
Division of Social Sciences
College of the Virgin Islands

Dr. John L. Joy, Director
Continuing Education
College of Virgin Islands

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INTRODUCTION

Law enforcement education at the college level came to the U.S. Virgin Islands in 1967, provided by a grant from the United States Department of Justice, Office of Law Enforcement Assistance.

In developing a curriculum for the course in Criminal Law, the author searched available material, local and nation-wide. During this search it was discovered that the policeman did not have ready access to the laws he is required to enforce. This workbook, then, was devised to aid him not only in the classroom, but in his continuing pursuit of the study of law as he grows and develops in his chosen profession.

W. R. B.

PREFACE

The Task Force Report on the Police issued by the President's Commission on Law Enforcement notes that current police training programs "continue to be a somewhat fragmented, sporadic, and rather inadequate response to the training needs of the field in a day when police are confronted with some of the most perplexing social and behavioral problems we have ever known."

Wilbur R. Brantley, Director of Police Science and Administration at the College of the Virgin Islands, knows this from years of experience, and has undertaken an ambitious program to update and upgrade the police training in the light of the requirements of the Virgin Islands community.

The Criminal Law Workbook is an example of the carefully planned courses offered to law enforcement officers and others at the College. It is to be borne in mind that the particular subject is but one of many which are or will be available as part of a total training program. However, Mr. Brantley makes clear in his opening material on criminal law that his thrust is to show the law as a basic tool and its relationship to other factors within the whole social fabric. The police officer who does not have a firm knowledge in the laws he is required to enforce, Mr. Brantley rightly notes, will be a hindrance to the total effort rather than a useful instrument of the government.

In the upsurge of urgent concern about crime and the problems of crime prevention and control, particular attention has been called to the primary responsibility borne by local communities. The College of the Virgin Islands, through its program of Police Science and Administration is responding strongly to this local responsibility. Mr. Brantley's well prepared and well-balanced Criminal Law Workbook is proof of this.

Francisco Corneiro
Attorney General
Department of Law
U.S. Virgin Islands

ACKNOWLEDGMENTS

This handbook could not have been prepared without the aid and assistance of many people, too numerous to mention. The fact that some names are not mentioned is not meant to detract from the value of their advice. To Mr. Francisco Corneiro, Attorney General, U.S. Virgin Islands, for his unswerving faith in the belief that the job could be done and for encouraging me to do it. To Messrs. Robert Ellison and Peter O'Dea, Assistant Attorney Generals, U.S. Virgin Islands, for their continued encouragement, advice and assistance since the idea was borne. I am deeply grateful. To the College of the Virgin Islands and specifically Doctors John Bacher, Head of the Department of Social Sciences, and John L. Joy, Director of Continuing Education, for their support and encouragement by making the time and resources available in order that this work could be completed, I am grateful. Lastly and certainly not least, to my wife Vivian, who bore the brunt of the many lonely nights and weekends, yet unswervingly continued to encourage my efforts, I am forever grateful.

I would like to give special acknowledgment to Messrs. Fred E. Inbau, James R. Thompson and Claude R. Sowle for the use of their Table of Contents, from Cases and Comments on Criminal Justice, Volume I, Criminal Law, published by the Foundation Press, Inc., 1968.

TABLE OF CONTENTS

	<u>Page</u>
INTRODUCTION	i
PREFACE	ii
ACKNOWLEDGMENTS	iii
Chapter	
I. History and Development of the Criminal Law System . .	1
II. Law A Basic Tool	7
III. Student's Notes	9
Bibliography	23
Appendix A	
Some Specific Sections of the Virgin Islands Code	24

CHAPTER I

HISTORY AND DEVELOPMENT OF THE CRIMINAL LAW SYSTEM

The Evolution of Man Made Controls

Every human being, whether man, woman or child, must live under a given system of controls. The history of man shows us how these controls have evolved from habits and customs to the written law, from the time of the cave man to the present day.

The interaction of person to person, person to group, group to person and group to group necessitates the adoption and application of certain controls. Controls act as guidelines and establish order in man's societies, limiting certain activities which might infringe on the rights, persons, or properties of others.¹

Anthropologists in their studies of the lives, habits and customs of certain primitive people have found that the regulation of certain controls in these cultures is established through the TABOO. The taboo, theological in nature, imposes upon the group the choice of conforming or the invocation of the wrath of the particular deity offended. The person or persons who violate the taboo are punished in a number of ways, either mental or physical in form. A few examples of physical punishment which brings death to the offender are burning, drowning, stoning, hanging, disembowling, crucifixion and starvation. Physical punishment does not always end in death because sometimes the offender is merely whipped or maimed, thereafter to be a living reminder for all to see what happens to those who violate the

¹William H. McNeill, The Rise of the West: A History of the Human Community, (Chicago and London: University of Chicago Press, 1963), pp. 3-28.

taboo.

Mental punishments are more often in the form of suggestions. Signs, symbols and ceremonies are used to suggest to the offender that he will be punished. At times the offender is cast out of the community, he is ostracized and banished by all members of the group. He himself becomes taboo and anyone of the group who associates with him becomes an offender also.²

Throughout history the imposition of punishment has continued to be the reward of the offender for his violation of controls set forth by the particular society in which he lives. Present day customs, with slight variations, are still similar to those of the primitive and the medieval.

Persons found guilty of violating the criminal law today can expect physical or mental punishment or both. Death penalties are carried out by means of electrocution, hanging or the gas chamber. Offenders are banished to elaborate institutions of detention and rehabilitation called jails, honor-farms and prisons. Yet upon return to society they are forever cursed as criminals because of the human concept of criminality, that "once a criminal - always a criminal".

Under the primitive and tribal systems, the taboos or customs are passed from generation to generation by word of mouth. These taboos and customs change very slowly, and even then depend on the imaginative genius of the elder, chief or council of the tribe.

As man realized the need to live with his neighbor, families formed tribes and tribes banded together in communal type living. They not only shared their gods, but their material products and resources as well.

²Adamson, Hoebel, The Law of Primitive Man, (Cambridge, Mass.: Harvard University Press, 1961), pp. 211-254.

Controls were regulated through the long established system of tried practices and customs. As man found more leisure, more time was spent developing the arts and crafts. Society, in the progress of establishing a civilization, became complex, and the regulation of social life was no longer a simple matter.³

Some define traditions and customs as long established practices, and have considered them as unwritten laws handed down from one generation to the next. Such controls were adequate as long as they were intended for the use, control and regulation of a homogenous society, but as civilization expanded and races and nations began to exploit other races and nations, such controls were of little value in the regulation of human interaction.

History again tells us that established authority in civil organizations could be found under the ancient rulers of Egypt, Greece and Rome. It was during these times that police had their ancient beginning in the form of patrols, guards, legions and vigils. This was the first real transition from tribal and clan rule to community rule.

Armies at one time traveled only short distances to fight, conquer, raid and loot, and then returned home. The conquered people would be left the opportunity to recuperate. A new method of operation was observed in the history of the Roman Empire, as armies traveled farther and farther, conquering, raiding and looting, then remaining to govern and rule a conquered people. The spoils of wars were sent back home with small contingents of soldiers to ensure safe arrival.⁴

After the fall of the Roman Empire all evidence of regulation and order

³McNeill, op. cit., p. 65

⁴McNeill, op. cit., p. 397.

disappeared as barbaric nations fought, invaded and plundered one another. It was not until 785 A.D. that a systematic method of control appeared in the capitularies of Charlemagne. These were a large number of police regulations concerning weights and measures, tolls, markets, the sale of food, grain and cattle, the burial of the dead, and establishing methods of handling circumstances arising out of national disasters such as famine and pestilence.⁵

After the death of Charlemagne, once again all evidence of civil control was lost in new outbreaks of anarchy. Disorder continued in this part of the world until the arrival of William the Conqueror.⁶ Prior to William the Conqueror's time, the marauding and destruction had caused many refugees to flee and settle in England where they formed tuns. A TUN is the forerunner of the TOWN as we know it today. Groups of TENS were known as a TITHING and ten tithings were known as a HUNDRED. The tribes and clans of the tithings and hundreds were autonomous in their own right. Every tribe or clan was responsible for its members and each member was responsible to the group. One member was selected each year to act as the chief. In effect he was the chief of police and every member was a policeman. The duties of the chief were to apprehend criminals, try them and punish them. If the criminal escaped, the community was required to make good for all the damages done to the victim. A warning system was developed to alert all neighbors in the countryside of a wanted criminal. Upon hearing the cry, one was obliged to pass it on to the next neighbor. Thus, the

⁵ McNeill, op. cit., pp. 444-446.

⁶ George Macaulay Trevelyan, O.M., A Shortened History of England, (London: Longmans, Green and Company, 1944), pp. 89-101.

HUE AND CRY and the PRIVATE PERSONS' ARREST came into being.

A system of fines was established by a code which provided for monetary redress in certain cases. If the offender could not pay the fine he became a slave. If he was from another tribe and escaped, the entire tribe could be enslaved.⁸

When the Duke of Normandy invaded England, he changed the law enforcement picture by placing one of his own officers in charge of the enforcement of laws in each shire, the shire being a geographical area equivalent to a county containing several hundreds.⁹ Local responsibility just seemed to dwindle and disappear as the state assumed more and more responsibility for keeping the peace.¹⁰

In the Western world law enforcement for the next eight hundred years experienced some very trying times. Crime and violence thrived because proper and adequate restraint was lacking. Too often, those persons charged with keeping the peace were accessories to crime themselves. In order to combat criminal activity, vigilante groups were organized by law abiding citizens. A rigorous penal code was adopted by Parliament and one hundred and sixty offenses were made punishable by death. The penal laws were literally written in blood, and in one month an average of forty persons a day were hung in London alone.¹¹

At the beginning of the nineteenth century, many important persons were very vocal on the subjects of social and economic change. In 1829,

7

Ibid.

8 Ibid.

9 Ibid.

10 Ibid, p. 98.

¹¹A.C. German, et. al., Introduction to Law Enforcement and Criminal Justice, (Springfield: C. C. Thomas, 1968), pp. 59-60.

Sir Robert Peel, then the Home Secretary, introduced in Parliament an act which was the foundation for the establishment of the Metropolitan Police. Subsequent acts of Parliament and the Statutes of 1839 and 1840 not only extended the system throughout Great Britain, but also permitted the formation of a paid county police. Sir Robert Peel is credited with having formulated certain basic principals which were instrumental in laying the foundation for our modern day police departments.¹²

¹²Ibid, pp. 60-61.

CHAPTER II
LAW A BASIC TOOL

Law enforcement officers, and more specifically the modern day police officer, is charged with the detection of crime, repression of crime and prevention of crime. In carrying out these responsibilities, which of necessity deal with controlling human behavior, the officer finds that law is his basic tool. Without a thorough knowledge of the laws he is required to enforce, a knowledge of the Criminal Justice System and above all a knowledge of the Constitution of the United States, the police officer will be a hinderance to the total effort rather than a useful instrument of the government.

This workbook was prepared as an aid to the police officer/student of Criminal Law. This workbook is designed to be used in conjunction with the textbook, Cases and Comments on Criminal Justice, Volume I, Criminal Law, by Inbau, Thompson and Soble. The appendix to this workbook contains a compilation of some of the penal statutes of the Virgin Islands Code.

The police officer/student will learn the elements of Criminal Law, the definitions and general penalties, laws of arrest, search and seizure, rights and duties of officers and citizens.

Scope of the Course

The course will follow the general outline of the text:¹³

1. Outline of Criminal Procedure
2. The Legal Concepts of Criminality

¹³Fred E. Inbau, et. al., Cases and Comments on Criminal Justice, Volume I, Criminal Law, (Mineola: The Foundation Press, Inc., 1968).

3. Sources of the Criminal Law
4. Constitutional Limitations on the Power of the State to Create and Define Criminal Offenses
5. Homicide
6. Sex Offenses and Related Problems
7. Misappropriation and Related Offenses
8. Criminal Responsibility and the Defense of Mental Impairment
9. Uncompleted Criminal Conduct and Criminal Combinations

CHAPTER III
STUDENT'S NOTES

1. Outline of Criminal Procedure

2. The Legal Concept of Criminality

3. Sources of the Criminal Law

A. The Common Law

B. Judicial Construction

C. Administrative Regulation

D. Martial, Military, and Tribal Law

E. Assimilative Crimes

F. The Law of Nations

4. Constitutional Limitation on the Power of the State to Create and Define Criminal Offenses

A. Freedom of Speech

B. Freedom of the Press -- the Obscenity Issue

C. Freedom of Association

D. Freedom of Religion

CRIMINAL LAW WORKBOOK

Page 12

E. The Right of Privacy

F. The Right to Bear Arms

G. The Privilege Against Self-Incrimination

H. Cruel and Unusual Punishment

I. Due Process of Law

(1) The Police Power

(2) The Vice Vagueness

J. Equal Protection of the Laws

K. The Regulation of Interstate Commerce

L. The War Powers

M. Immunity of Legislators

N. Bill of Attainder

CRIMINAL LAW WORKBOOK

Page 15

5. Homicide

A. Murder

B. Manslaughter

C. Justifiable

D. Excusable

6. Sex Offenses and Related Problems

7. Misappropriation and Related Offenses

A. Misappropriation

(1) Larceny

(2) Embezzlement

(3) False Pretenses

(4) Receiving Stolen Property

(5) Robbery

(6) Burglary

(7) The Terminology of Theft: Problems of Construction

B. Related Property Offenses: Arson and Malicious Mischief

8. Criminal Responsibility and the Defense of Mental Impairment

A. The Mental Element in Crime

(1) Ignorance of Law

(2) Mistake of Law and Fact

B. Infancy

C. Duress

D. Intoxication

E. Insanity at Time of Committing Prohibited Act

F. Diminished Responsibility

G. Incompetency at Time of Trial

H. Corporations

9. Uncompleted Criminal Conduct and Criminal Combinations

A. Uncompleted Criminal Conduct

(1) Attempt

(2) Solicitation

B. Criminal Combinations

(1) Conspiracy

(2) Parties to Crime

(3) Organized Crime

BIBLIOGRAPHY

- Adamson, Hoebel. The Law of Primitive Man. Cambridge: Harvard University Press, 1961.
- German, A.C., et. al. Introduction to Law Enforcement and Criminal Justice. Springfield: Charles C. Thomas, 1968.
- Inbau, Fred E., et. al. Cases and Comments on Criminal Justice, Volume 1, Criminal Law. Mineola: The Foundation Press, Inc., 1968.
- McNeill, William H. The Rise of the West: A History of the Human Community. Chicago: University of Chicago Press, 1963.
- Trevelyan, George M. A Shortened History of England. London: Longmans, Green and Company, 1944.

SUGGESTED READING

- Day, Frank D. Criminal Law and Society. Springfield: Charles C. Thomas, 1964.
- Dinitz, Simon and Reckless, Walter C. Critical Issues in the Study of Crime: A Book of Readings. Boston: Little, Brown and Company, 1968.
- Donnelly, Richard C. Criminal Law. New York: Free Press of Glencoe, 1962.
- Hart, H. L. A. The Concept of Law. Oxford: Clarendon Press, 1961.
- Heffron, Floyd N. Evidence for the Patrolman. Springfield: C. C. Thomas, 1958.
- Housel, Theodore W., and Walser, Guy O. Defending and Prosecuting Federal Criminal Cases. New York: Dennis & Co. Inc., 1956.
- Miller, Justin. Handbook of Criminal Law. St. Paul Minnesota: West Publishing Company, 1934.

APPENDIX "A"

Some Specific Sections of the Virgin Islands Code

This information is not meant to substitute the Virgin Islands Code, but is provided to the student as a ready reference. For a more detailed coverage of the Penal sections, the student should refer to the Virgin Islands Code.

VOLUME III

Title Fourteen

Section 1. Definition of crime or offense:

A "crime" or "offense" is an act committed or omitted in violation of a law of the Virgin Islands and punishable by -

- (1) imprisonment; or
- (2) fine; or
- (3) removal from office; or
- (4) disqualification to hold and enjoy any office of honor, trust, or profit.

Section 2. Classification of crimes or offenses

- (a) Crimes or offenses are divided into felonies and misdemeanors.
- (b) Notwithstanding any Act of the Legislature to the contrary -
 - (1) a felony is a crime or offense which is punishable by imprisonment for more than one year; and
 - (2) every other crime or offense is a misdemeanor.

Section 3. Penalties where penalties not otherwise prescribed

- (a) Except in cases where a different punishment is prescribed by law -
 - (1) every crime or offense declared to be a felony is punishable by imprisonment not exceeding five years; and
 - (2) every crime or offense declared to be a misdemeanor is punishable by a fine not exceeding \$200 or by imprisonment not exceeding one year, or by both.
- (b) When -
 - (1) an act or omission is declared by this Code or other law to be a crime or public offense, but without designation thereof as either a felony or a misdemeanor; and
 - (2) no penalty therefor is prescribed by this Code or other law - the act or omission is punishable as a misdemeanor.

Section 11. Principals

- (a) Whoever commits a crime or offense or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal.
- (b) Whoever willfully causes an act to be done which if directly performed by him or another person would be a crime or offense, is punishable as a principal.
- (c) Persons within this section shall be prosecuted and tried as principals, and no fact need be alleged in the information against them other than is required in the information against the principal.

Section 12. Accessory after the fact

- (a) Whoever, knowing that a crime or offense has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, is an accessory after the fact.
- (b) Except as otherwise expressly provided by this Code or any Act of the Legislature, an accessory after the fact shall be imprisoned not more than one-half the maximum term of imprisonment or fined not more than one-half the maximum fine prescribed by law for the punishment of the principal, or both; or if the principal is punishable by imprisonment for life, the accessory shall be imprisoned not more than ten years.
- (c) An accessory to the commission of a felony may be prosecuted, tried and punished though the principal may be neither prosecuted nor tried, or though the principal may have been tried and acquitted.

Section 13. Misprision of felony

Whoever, having knowledge of the actual commission of a felony, willfully conceals it from the proper authorities, shall be fined not more than \$500 or imprisoned not more than 3 years, or both.

Section 14. Capacity to commit crimes or offenses

All persons are capable of committing crimes or offenses except -

- (1) children under the age of seven years;
- (2) children over the age of seven years and under the age of fourteen years, in the absence of clear proof that at the time of committing the act charged against them they knew its wrongfulness;
- (3) idiots;
- (4) Persons who are mentally ill and who committed the act charged against them in consequence of such mental illness; and
- (5) persons who committed the act or made the omission charged under an ignorance or mistake of fact, which disproves any criminal intent.

Section 15. Omissions not punishable

No person shall be punished for omitting to perform an act, where such act has been performed by another person acting in his behalf, and competent by law to perform it.

Section 16. Intoxication

No act committed while in a state of voluntary intoxication is less criminal because committed while in such state. However, the court or jury may take into consideration the fact that the accused was intoxicated at the time in determining the purpose, motive or intent with which he committed the act whenever the actual existence of any particular purpose, motive, or intent is a necessary element to constitute any particular species or degree of crime or offense.

Section 17. Conviction on testimony of accomplice

No conviction can be had upon the testimony of an accomplice unless it be corroborated by such other evidence as tends to connect the defendant with the commission of the crime. The corroboration is not sufficient if it merely shows the commission of the crime or the circumstances of the commission.

Section 41. Resistance by party to be injured

Any person about to be injured may make resistance sufficient to prevent -

- (1) an illegal attempt by force to take or injure property in his

- lawful possession; or
(2) an offense against his person or his family or some member thereof.

Section 42. Resistance by other parties

Any person, in aid or defense of the person about to be injured, may make resistance sufficient to prevent the offense.

Section 43. Self-defense

The right of self-defense does not extend to the infliction of more harm than is necessary for the purpose of defense. To justify a homicide on the ground of self-defense, there must be not only the belief but also reasonable ground for believing that at the time of killing the deceased, the party killing was in imminent or immediate danger of his life or great bodily harm.

Section 61. Penalty

Whoever, whether under the laws of the Virgin Islands, or of any other jurisdictions, or of the United States, has been twice convicted of offenses, both of which are felonies in the Virgin Islands, shall, upon conviction of a felony in the Virgin Islands and upon proof of such former convictions, sentences and committals, be imprisoned for a term of not less than 10 years, and the maximum thereof shall be the remainder of his natural life.

Section 62. Pardon, effect of

If any person, liable to sentence as a habitual criminal under section 61 of this title, shows to the satisfaction of the court that he was released from imprisonment upon any former sentence upon a pardon granted on the grounds of innocence, such conviction, sentence and committal shall not be considered against him.

Section 81. Persons liable to punishment

The punishment prescribed by this title shall apply to whoever -

- (1) commits, in whole or in part, any offense within the Virgin Islands; or
- (2) commits larceny or robbery outside the Virgin Islands, and brings, or is found with, the stolen property within the Virgin Islands; or
- (3) from outside the Virgin Islands, causes, aids, advises or encourages another person to commit an offense within the Virgin Islands and is afterwards found within the Virgin Islands.

Section 82. Crimes commenced outside Virgin Islands.

When the commission of a crime commenced without the Virgin Islands is consummated within its boundaries the defendant is liable to punishment thereof in the Virgin Islands, although he was out of the Virgin Islands at the time of the commission of the crime charged, provided he consummated it in the Virgin Islands through the intervention of an innocent or guilty agent, by any means proceeding directly from himself.

Section 83. Place of commission of murder or manslaughter

When the crime of murder or manslaughter has been committed by means of a mortal wound given, or injury inflicted, or poison administered without the Virgin Islands, and the person so wounded, injured, or poisoned dies thereof within the Virgin Islands, the person committing such crime is liable to punishment therefor in the Virgin Islands, and in such case the action therefor may be commenced and tried in the Virgin Islands.

Some Specific Sections of the Virgin Islands Code

Page 27

Section 84. Conviction or acquittal outside Virgin Islands

When an act declared to be a crime is within the jurisdiction of any United States, State, county, commonwealth or territorial court in the United States or any of its possessions as well as of the Virgin Islands, a conviction or acquittal thereof in the former is a bar to a prosecution therefor in the Virgin Islands.

Section 91. Sentence for term of more than one year

A sentence of imprisonment for any term of more than one year and less than for life suspends all the civil rights of the person so sentenced, and forfeits all public offices and all private trusts, authority, or power during such imprisonment.

Section 92. Sentence for life

Whoever is sentenced to imprisonment for life is thereafter deemed civilly dead.

Section 101. Penalty for violation of regulations

Whoever violates any regulation issued under authority of law for which no other penalty is provided shall be fined not more than \$20 or imprisoned not more than 30 days, or both.

Section 102. Civil remedies

The omission to specify or affirm in this Code any liability for any damages, penalty, or forfeiture, or other remedy imposed by law and allowed to be recovered in a civil action, for any act or omission declared to be punishable as a crime, does not affect any right to recover or enforce such remedy.

Section 103. Forfeiture of property

No conviction of any person for crime works any forfeiture of any property, except in cases in which a forfeiture is expressly imposed by law.

Section 104. Act or omission punishable under different provisions

An act or omission which is made punishable in different ways by different provisions of this Code may be punished under any of such provisions, but in no case may it be punished under more than one. An acquittal or conviction and sentence under any one bars a prosecution for the same act or omission under any other.

Section 121. For purposes of gambling or prostitution

Whoever, through invitation or device, prevails upon any person to visit any room, building, or other places kept for the purpose of gambling or prostitution, shall be imprisoned not more than 5 years.

Section 151. Procuring miscarriage

Whoever provides, supplies, or administers to any pregnant woman, or procures any such woman to take any medicine, drug or substance, or uses or employs any instrument or other means whatever, with intent thereby to procure the miscarriage of such woman, unless necessary to preserve her life, shall be imprisoned not more than 5 years.

Section 181. Cruelty to animals

Whoever -

- (1) maliciously kills, maims, or wounds an animal, the property of another; or

(2) maliciously and cruelly beats, tortures, or injures any animal whether belonging to himself or another - shall be fined not more than \$100 or imprisoned not more than 180 days, or both.

Section 182. Poisoning of animals

Whoever maliciously -

(1) administers any poison to an animal, the property of another; or

(2) exposes any poisonous substance, with the intent that the same shall be taken or swallowed by any such animal -

shall be fined not more than \$100 or imprisoned not more than 180 days, or both.

Section 183. Destruction of birds

Whoever, within any public park, plaza or highway -

(1) kills, wounds or traps any bird; or

(2) destroys any bird's nest; or

(3) removes any eggs or young birds from any nest -

shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 184. Permitting animals to stray on public roads

Whoever permits, donkeys, horses, mules, sheep, cattle, hogs or goats to stray at large so as to create a menace or hazard upon any public road, street or highway shall be fined not more than \$100 or imprisoned not more than 180 days, or both.

Section 185. Ferocious, vicious or mischievous animals

Whoever, owning a ferocious, vicious, or mischievous animal and knowing its propensities -

(1) willfully suffers it to go at large; or

(2) keeps it without ordinary care -

and such animal while so at large, or while not kept with ordinary care, kills or seriously injures any human being who has taken all the precautions which the circumstances permitted, or which a reasonable person would ordinarily take in the same situation, shall be fined not more than \$100 or imprisoned not more than 180 days, or both.

Section 221. Malicious procurement of warrants

Whoever, maliciously and without probable cause, procures a search warrant or warrant of arrest to be issued and executed, shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 222. False arrest or seizure

Whoever, being a public officer, under pretense or color of any process or other legal authority -

(1) arrests any person or detains him against his will;

(2) seizes or levies upon any property; or

(3) dispossesses any one of any lands or property -

without a regular process or other lawful authority therefor, shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 223. Refusal to aid in arrest

Whoever, being a male person over eighteen years of age, willfully neglects or refuses to aid and assist in -

- (1) taking or arresting any person against whom there may be issued any process;
- (2) retaking any person who, after being arrested or confined, may have escaped from such arrest or confinement; or
- (3) preventing any breach of peace, or the commission of any crime - being thereto lawfully required by any marshal or other officer concerned with the administration of justice, shall be fined not more than \$200.

Section 251. Definitions

As used in this chapter, unless the context requires a different meaning - "arson" means the willful and malicious burning of a building of another with intent to destroy it;

"building" means any vehicle, house, edifice, structure, vessel, or other erection, capable of affording shelter to human beings, or appurtenant to or connected with an erection so adapted;

"building of another" means a building, or any part thereof, which at the time of the burning, was rightfully in the possession of, or was actually occupied by, a person other than the accused, and does not mean that a person other than the accused shall have had ownership in the building;

"burns" means applying fire so as to take effect upon any part of the substance of the building and does not mean that the building shall have been destroyed; and

"inhabited building" means any building which has usually been occupied by any person lodging therein at night.

Section 252. Arson in the first degree

Whoever maliciously burns in the night time an inhabited building in which there is at the time some human being, is guilty of arson in the first degree and shall be imprisoned not more than 20 years.

Section 253. Arson in the second degree

Whoever maliciously burns any building of another with intent to destroy it under circumstances not amounting to arson in the first degree, shall be imprisoned not more than 10 years.

Section 254. Incendiarism

Whoever willfully and maliciously burns any bridge exceeding \$50 in value, or any building or vessel, not the subject of arson, or any growing or standing crop, grass or tree, or any fence not the property of such person, shall be imprisoned not more than 10 years.

Section 255. Setting on fire goods, grasses, or other property on lands

Whoever willfully and maliciously or negligently sets on fire any goods, grasses or shrubbery or other property, on any lands, shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 291. Assault defined

Whoever -

- (1) attempts to commit a battery; or
 - (2) makes a threatening gesture showing in itself an immediate intention coupled with an ability to commit a battery -
- commits an assault.

Section 292. Assault and battery defined

Whoever uses any unlawful violence upon the person of another with intent

to injure him, whatever be the means or the degree of violence used, commits an assault and battery.

Section 293. Lawful violence, what constitutes

(a) Violence used to the person does not amount to an assault or an assault and battery -

- (1) in the exercise of the right of moderate restraint or correction given by the law to the parents over the child, the guardian over the ward, the master over his apprentice or minor servant, whenever the former be authorized by the parent or guardian of the latter so to do;
- (2) for the preservation of order in a meeting for religious or other lawful purposes, in case of obstinate resistance to the person charged with the preservation of order;
- (3) the preservation of peace, or to prevent the commission of offenses;
- (4) in preventing or interrupting an intrusion upon the lawful possession of property, against the will of the owner or person in charge thereof;
- (5) in making a lawful arrest and detaining the party arrested, in obedience to the lawful orders of a magistrate or court, and in overcoming resistance to such lawful order; or
- (6) in self defense or in defense of another against unlawful violence offered to his person or property.

(b) In all cases mentioned in subsection (a) of this section, where violence is permitted to effect a lawful purpose, only that degree of force must be used which is necessary to effect such purpose.

Section 294. Provocation, effect of

No verbal provocation justifies an assault and battery, but insulting and abusive words may be given in evidence in mitigation of the punishment affixed to the offense.

Section 295. Assault in the first degree

Whoever -

- (1) with intent to commit murder, assaults another;
- (2) with intent to kill, administers or causes to be administered to another, any poison or other noxious or destructive substance or liquid, and death does not result; or
- (3) with intent to commit rape, sodomy, mayhem, robbery or larceny, assaults another -

shall be imprisoned not more than 15 years.

Section 296. Assault in the second degree

Whoever willfully -

- (1) mingles any poison with any food, drink, or medicine, with intent that the same shall be taken by any human being, to his injury; or
- (2) poisons any spring, well, or reservoir of water; or
- (3) places or throws, or causes to be placed or thrown, upon the person of another, any vitriol, corrosive acid, pepper, hot water, or chemical of any nature with intent to injure the flesh or disfigure the body or clothes of such person -

shall be imprisoned not more than 10 years.

Section 297. Assault in the third degree.

Whoever assaults another person with intent to commit a felony, which

assault does not amount to assault in the first or second degree, shall be fined not more than \$500 or imprisoned not more than 5 years, or both.

Section 298. Aggravated assault and battery

Whoever commits an assault and battery -

- (1) upon an officer in the lawful discharge of the duties of his office, if it was known or declared to the offender that the person assaulted was an officer discharging an official duty;
 - (2) in a court of justice or in any place of religious worship, or in any place where persons are assembled for the purpose of innocent amusement;
 - (3) after having gone into the house of a private family and there commits the assault and battery;
 - (4) being a person of robust health, upon one who is aged or decrepit;
 - (5) being an adult male, upon the person of a female or child, or being an adult female, upon the person of a child;
 - (6) by an instrument or means which inflicts disgrace upon the person assaulted, such as a whip, cowhide or cane;
 - (7) which inflicts serious bodily injury upon the person assaulted;
 - (8) with deadly weapons under circumstances not amounting to an intent to kill or maim;
 - (9) with premeditated design and by the use of means calculated to inflict great bodily harm; or
 - (10) while being in disguise -
- shall be fined not more than \$500 or imprisoned not more than 1 year, or both.

Section 299. Simple assault and battery

Whoever commits -

- (1) a simple assault; or
 - (2) an assault or battery unattended with circumstances of aggravation -
- shall be fined not more than \$50 or imprisoned not more than 30 days, or both.

Section 300. Administration of narcotic with intent to commit a felony

Whoever administers to another person any chloroform, ether, laudanum or other narcotic, anesthetic or intoxicating agent, with intent thereby to enable or assist himself or any other person to commit a felony shall be imprisoned not more than 5 years.

Section 331. Penalties for attempts

Whoever unsuccessfully attempts to commit an offense, shall, unless otherwise specially prescribed by this Code or other law, be punished by -

- (1) imprisonment for not more than 25 years, if the offense attempted is punishable by imprisonment for life; or
- (2) in any other case, imprisonment for not more than one-half of the maximum term, or fine of not more than one-half of the maximum sum prescribed by law for the commission of the offense attempted, or by both such fine and imprisonment.

Section 332. Commission of offense in attempt to commit another

Whoever attempts unsuccessfully to commit an offense and accomplishes the commission of another and different offense, whether greater or lesser in guilt, shall be punished as prescribed by law for the offense committed,

notwithstanding the provisions of section 331 of this title.

Section 361. Definition and punishment of bigamy

Whoever, having a husband or wife, marries any other person, commits bigamy and shall be fined not more than \$2,000 or imprisoned not more than 3 years, or both.

Section 362. Exceptions

Section 361 of this title does not extend to -

- (1) any person by reason of any former marriage, whose husband or wife by such marriage has been absent for 5 successive years, without being known to such person within that time to be living; or
- (2) any person by reason of any former marriage which has been pronounced void, annulled or dissolved by judgment of a competent court.

Section 363. Punishment of consort

Whoever knowingly and willfully marries the husband or wife of another, in any case in which the husband or wife would be punishable under the provisions of this chapter, shall be fined not more than \$2,000 or imprisoned not more than 3 years, or both.

Section 401. Offering or giving bribes to judicial officers

Whoever gives or offers to give a bribe to any judicial officer, juror, commissioner, referee, arbitrator, or to any person who may be authorized by law to hear or determine any question or controversy, with intent to influence his vote, opinion, or decision upon any matter or question which is or may be brought before him for decision, shall be fined not more than \$2,000 or imprisoned not more than 10 years, or both.

Section 402. Acceptance of bribe by judicial officer

Whoever, being a judicial officer, juror, commissioner, referee, arbitrator or person authorized by law to hear or determine any question or controversy, asks, receives, or agrees to receive any bribe, upon any agreement or understanding that his vote, opinion, or decision upon any matter or question which is or may be brought before him for decision, will be influenced thereby, shall be fined not more than \$1,000 or imprisoned not more than 5 years, or both.

Section 403. Solicitation or receipt of bribes by public officers or employees

Whoever, being a judicial or other public officer or employee, asks or receives any emolument, gratuity, or reward, or any promise thereof, except such as may be authorized by law, for doing any official act, shall be fined not more than \$1,000 or imprisoned not more than 5 years or both.

Section 404. Offering or giving bribes to witnesses

Whoever -

- (1) gives, offers, or promises to give, to any witness, or person about to be called as a witness, any bribe, upon any understanding or agreement that the testimony of such witness shall be thereby influenced; or
 - (2) attempts by any other means fraudulently to induce any person to give false or withhold true testimony -
- shall be fined not more than \$1,000 or imprisoned not more than 5 years, or both.

Section 405. Solicitation or receipt of bribes by witnesses

Whoever, being a witness, or being about to be called as a witness, receives or offers to receive any bribe, upon any understanding that his testimony shall be influenced thereby, or that he will absent himself from the trial or proceeding upon which his testimony is required, shall be fined not more than \$1,000 or imprisoned not more than 5 years, or both.

Section 441. Definitions

As used in this chapter, unless the context requires a different meaning -

"Break" means and includes -

- (1) breaking or violently detaching any part, internal or external, of a building; or
- (2) opening, for the purpose of entering therein, by any means whatever, any outer door of a building, or of any apartment or set of apartments therein separately used or occupied, or any window, shutter, scuttle or other things used for covering or closing an opening thereto or therein, or which gives passage from one part thereof to another; or
- (3) obtaining an entrance into such a building or apartment, by any threat or artifice used for that purpose, or by collusion with any person therein; or
- (4) entering such a building or apartment by or through any pipe, chimney or other opening, or by excavating, digging or breaking through or under the building, walls, or foundation thereof;

"Building" includes a vessel, house, trailer, booth, tent, shop, inclosed garden or other erection or inclosure;

"Dwelling house" means a building any part of which is usually occupied by a person lodging therein at night; and

"Enter" includes the entrance of the offender into such building or apartment, or the insertion therein of any part of his body or any instrument or weapon held in his hand, and used, or intended to be used, to threaten or intimidate the inmates, or to detach or remove property.

Section 442. Burglary in the first degree

Whoever, with intent to commit an offense therein, breaks and enters, in the night time, the dwelling house of another, in which there is at the time a human being -

- (1) being armed with a dangerous weapon; or
- (2) arming himself therein with such a weapon; or
- (3) being assisted by a confederate actually present; or
- (4) while engaged in effecting such entrance, or in committing any offense therein, or in escaping therefrom, assaults any person -

is guilty of burglary in the first degree and shall be imprisoned not more than 20 years.

Section 443. Burglary in the second degree

Whoever, with intent to commit some offense therein, breaks and enters the dwelling house of another in which there is a human being, under circumstances not amounting to burglary in the first degree, is guilty of burglary in the second degree and shall be imprisoned not more than 15 years.

Section 444. Burglary in the third degree

Whoever -

- (1) with intent to commit an offense therein, breaks and enters a building or a room, any part of a building; or
- (2) being in any building, commits an offense therein and breaks out of the same -

is guilty of burglary in the third degree and shall be imprisoned not more than 5 years.

Section 445. Unlawful entry

Whoever, under circumstances or in a manner not amounting to burglary, enters a building or any part thereof, with intent to commit an offense, shall be imprisoned not more than 1 year.

Section 446. Punishment for separate crime committed by burglar

Whoever, having entered a building under circumstances which constitute burglary in any degree, commits any offense therein, shall be punished therefor as well as for the burglary, and may be prosecuted for each offense separately, or in the same action.

Section 481. Neglect of parental duty; causing the delinquency of a minor; penalties

Whoever commits any act or omits the performance of any duty, which act or omission causes a child under the age of 18 to become in need of the care and protection of the juvenile and domestic relations division of a municipal court of the Virgin Islands, shall be fined not more than \$500 or imprisoned not more than 1 year, or both.

Section 482. Carnal abuse of child under 16 years of age

Whoever willfully commits any lewd or lascivious act upon or with the body or any part of member thereof, of a child under the age of 16, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of such person or of such child, shall be imprisoned not more than 10 years.

Section 483. Permitting children to beg

Whoever -

- (1) being a parent, relative, guardian, employer or otherwise, and having in his care, custody or control any child under the age of 12 years, sells, apprentices, gives away, lets out or otherwise disposes of any such child to any person under any name, title, or pretense for the vocation, use, occupation or service of begging in any public street or highway, or in any mendicant business whatsoever; or
- (2) takes, receives, hires, employes, uses or has in custody any child for such purposes of any of them -

shall be fined not more than \$500 or imprisoned not more than 1 year, or both.

Section 484. Selling alcoholic beverages to minors

Whoever, holding a license under Title 8 of this Code -

- (1) permits a person under the age of 16 to enter, loiter or remain in or on the licensed premises without lawful business; or
- (2) sells or serves alcoholic beverages by the bottle or by the drink to any person under the age of 16 -

shall be fined not more than \$200 or imprisoned not more than 1 year, or both. - Added May 16, 1957, No. 160, 30.

Section 521. Punishment for compounding crime

- (a) Whoever, having knowledge of the actual commission of a crime, takes money or property of another or any gratuity or reward, or an engagement or promise therefor, upon any agreement or understanding, express or implied, to compound or conceal such crime, or a violation of this title or other law, or to abstain from, discontinue, or delay, a prosecution therefor, or to withhold any evidence thereof, except in a case provided for by law in which the crime may be compromised by leave of court, shall be imprisoned not more than -
- (1) five years, where the agreement or undertaking relates to a crime punishable by life imprisonment; or
 - (2) three years, where the agreement or understanding relates to any other felony; or
 - (3) ninety days or fined not more than \$100, or both, where the agreement or understanding relates to a misdemeanor.
- (b) An information may be filed against a person described in this section, although the person guilty of the original crime has not been presented or tried.

Section 551. Conspiracy

If two or more persons conspire to -

- (1) commit any crime;
- (2) falsely and maliciously complain against another for any crime, or procure another to be charged or arrested for any crime;
- (3) falsely move or maintain any action or proceeding;
- (4) cheat and defraud any person of property by any means which are in themselves criminal, or to obtain money or property by false pretenses; or
- (5) commit any crime injurious to the public health, the public morals, or for the perversion or obstruction of justice or due administration of the laws -

each shall be fined not more than \$1,000 or imprisoned not more than 5 years, or both.

If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided by law for such misdemeanor.

Section 552. Overt act necessary

No agreement, except to commit a felony upon the person of another, or to commit arson, or burglary, amounts to conspiracy, unless some act, besides such agreement, be done to effect the object thereof, by one or more of the parties to such agreement.

Section 581. Power of court to punish for contempt

Every court of the Virgin Islands shall have power to punish by fine or imprisonment, at its discretion, such contempt of its authority, and none other as -

- (1) misbehavior of any person in its presence or so near thereto as to obstruct the administration of justice;
- (2) misbehavior of any of its officers in their official transactions;

- or
- (3) disobedience or resistance to its lawful writ, process, order, rule, decree, or command.

Section 582. Contempts constituting crimes

- (a) Whoever willfully disobeys any lawful writ, process, order, rule, decree or command of any court of the Virgin Islands by doing any act therein, or thereby forbidden, if the act or thing done be of such character as to constitute also a criminal offense under any statute of the United States or under the laws of the Virgin Islands shall be punished by fine or imprisonment, or both.
- (b) Any fine imposed under subsection (a) of this section shall be paid to the Government of the Virgin Islands or to the complainant or other party injured by the act constituting the contempt, or may, where more than one is so damaged, be divided or apportioned among them as the court may direct, but in no case shall the fine to be paid to the Government of the Virgin Islands exceed, in case the accused is a natural person, the sum of \$1,000, nor shall such imprisonment exceed the term of 180 days.

Section 583. Jury trial of contempts constituting crimes

Whenever a contempt is charged under section 582 of this title, and the criminal offense referred to in subsection (a) of such section is one in the trial of which the accused would be entitled by existing law to a trial by jury, and such contempt is prosecuted in the District Court of the Virgin Islands, the accused, upon demand therefor, shall be entitled to trial by jury, which shall conform as near as may be with the practice in other criminal cases.

Section 584. Inapplicability of sections 582 and 583 to certain contempts
Sections 582 and 583 of this title shall not apply to -

- (1) contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice; or
- (2) contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any action or proceeding brought or prosecuted in the name of, or on behalf of, the United States or the Government of the Virgin Islands -

but the same, and all other cases of contempt not specifically embraced in such sections may be punished in conformity with the prevailing usages at law.

Section 585. Contempt of other officers or official bodies

Whoever willfully -

- (1) disobeys any subpoena issued by any officer, board, commission or other agency within the executive branch of the Government of the Virgin Islands, authorized by law to issue subpoenas for witnesses; or
 - (2) having appeared, refuses to be sworn or to answer as a witness before such officer or body, or to produce any documents, records or papers requested to be produced -
- shall be guilty of contempt and shall be fined not more than \$200 or imprisoned not more than 30 days, or both.

Section 586. Judicial compulsion

The District Court of the Virgin Islands may compel the attendance of witnesses, the giving of testimony, and the production of books, papers, documents, and accounts, as required by a subpoena issued by any officer, chairman or other head of a board, commission or other agency referred to in section 585 of this title, on the filing, by such officer or chairman or other head; as the case may be, of a petition to the court asking that the witness be so compelled.

Section 587. Procedure for prosecution under section 585

Whenever a person, having been summoned by subpoena to appear before any officer, board, commission or other agency within the executive branch of the Government of the Virgin Islands, authorized by law to issue subpoenas for witnesses, violates section 585 of this title, such officer, or the chairman or other presiding officer of such board, commission, or agency, as the case may be, shall certify a statement of the facts constituting such violation to the United States attorney for prosecution. In all such cases, the proceedings shall be brought in the District Court of the Virgin Islands in the name of the Government of the Virgin Islands, and shall conform as near as may be to those prescribed by rules of court for contempts not committed in the immediate view and presence of the court.

Section 621. Brandishing, exhibiting, or using deadly weapons

Whoever -

- (1) not in necessary self-defense, and in the presence of two or more persons, draws or exhibits any deadly weapon in a rude, angry, and threatening manner; or
- (2) in any manner unlawfully uses the same in any fight or quarrel - shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 622. Disturbing the peace; fighting

Whoever maliciously and willfully -

- (1) disturbs the peace or quiet of any village, town, neighborhood or person, by loud or unusual noise, or by tumultuous offensive conduct, or threatening, traducing, quarreling, challenging to fight or fighting; or
 - (2) on the public streets, or upon the public highways, or within hearing of such streets or highways, uses any vulgar, profane, or indecent language in a loud and boisterous manner -
- shall be fined not more than \$100 or imprisoned not more than 90 days, or both.

Section 623. Instigating or aiding a fight

Whoever engages in, instigates, aids, encourages, or does any act to further a contention or a fight, between two or more persons shall be fined not more than \$100 or imprisoned not more than 90 days, or both.

Section 624. Disturbing or breaking-up meetings

Whoever -

- (1) willfully disturbs or disquiets any assemblage of people met for religious worship or any other purpose not unlawful in character, by noise, profane discourse, rude or indecent behaviour or any

unnecessary noise, either within the place where the meeting is held, or so near as to disturb the order and solemnity of the meeting; or

- (2) without authority of law, willfully disturbs or breaks up any assembly or meeting not unlawful in its character -
- shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 661. Escape from jail or custody of officer

Whoever escapes from the custody of the Commissioner of Public Safety or his authorized representative, or from any jail in which he is confined, or from any custody under or by virtue of any process issued under the laws of the Virgin Islands by any court, judge, or commissioner, or from the custody of any officer or employee of the Virgin Islands pursuant to lawful arrest, shall -

- (1) if the custody or confinement is by virtue of an arrest on a charge of felony, or conviction of any offense, be fined not more than \$2,000 or imprisoned not more than 10 years, or both; or
- (2) if the custody or confinement is for extradition or by virtue of an arrest or charge of or for a misdemeanor, and prior to conviction therefor, be fined not more than \$500 or imprisoned not more than 1 year, or both.

Section 662. Rescuing and assisting escape

Whoever rescues or attempts to rescue or instigates, aids or assists the escape of a person arrested upon a warrant or other process issued under the law of the Virgin Islands, or committed to the custody of the Commissioner of Public Safety or to any jail, shall -

- (1) if the custody or confinement is by virtue of an arrest on a charge of felony, or conviction of any offense, be fined not more than \$2,000 or imprisoned not more than 10 years, or both; or
- (2) if the custody or confinement is for extradition or by virtue of an arrest or charge or for a misdemeanor, and prior to conviction therefor, be fined not more than \$500 or imprisoned not more than 1 year, or both.

Section 663. Officer permitting escape

Whoever, having in his custody any prisoner by virtue of process issued under the laws of the Virgin Islands by any court, judge, or commissioner, shall -

- (1) if he voluntarily suffers such prisoner to escape, be fined not more than \$2,000 or imprisoned not more than 10 years, or both; or
- (2) if he negligently suffers such person to escape, be fined not more than \$300 or imprisoned not more than 1 year, or both.

Section 701. Extortion defined; penalty

Extortion is the obtaining of property from another person, with his consent, induced by a wrongful use of force or fear, or under color of official right and shall be punished by imprisonment for not more than 5 years.

Section 702. Obtaining signature by threats

Whoever, by extortionate means, obtains from another his signature to any paper or instrument, which signature is freely given, would have transferred

any property, or created debt, demand, charge, or right of action, shall be punished in the same manner as if the actual delivery of such debt, demand, charge, or right of action were obtained.

Section 703. Oppression

Whoever, being a public officer, or person pretending to be a public officer, and under the pretense or color of any process or other legal authority -

- (1) arrests any person or detains him against his will;
- (2) seizes or levies upon any property;
- (3) dispossesses any one of any lands or property; or
- (4) does any other act, whereby another person is injured in his person, property or rights -

without a regular process or other lawful authority therefor, commits oppression and shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 704. Blackmail

Whoever, with intent to extort any money or other property from another, sends or delivers to any person any letter or other writing, whether subscribed or not, expressing or implying, or adapted to imply any threat, shall be imprisoned not more than 5 years.

Section 705. Threatening letters

Whoever knowingly, willfully and maliciously sends or delivers to another any letter or writing, whether subscribed or not, threatening to accuse him or another of a crime, or to expose or publish any of his failings or infirmities, shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 741. Impersonation of law enforcement officer

Whoever directly or indirectly represents himself as a law enforcement officer, shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 742. Acting in assumed character

Whoever impersonates another and in such assumed character does any act -

- (1) which, if it were done by the individual impersonated, might result in his liability -
 - (A) to any suit or prosecution;
 - (B) to pay any sum of money; or
 - (C) to incur any charge, forfeiture or penalty; or
- (2) whereby any benefit might accrue to the party impersonating, or to any other person; or

Whoever impersonates another and receives any money or property, knowing that it is intended to be delivered to the individual impersonated, with intent to convert the same to his own use, or to that of another person, or to deprive the owner thereof - shall be fined not more than \$1,000 or imprisoned not more than 2 years, or both.

Section 791. Forgery

Whoever, with intent to defraud another -

- (1) falsely makes, alters, forges, or counterfeits any charter, articles or certificate of incorporation, letters patent, deed, lease, indenture, obligation, will, testament, codicil, annuity, bond, covenant, bankbill, or note, post-note, check, draft, bill of exchange, contract, promissory note, due bill for the payment of money or property, receipt for money or property, passage ticket, power of attorney; or any certificate of any share, right or interest in the stock of any corporation or association; or any warrant for the payment of money from the treasury, warrant or request for the payment of money or the delivery of goods or chattels of any kind, or for the delivery of any instrument of writing, acquittance, release or receipt for money or goods; or any acquittance, release or discharge for any debt, account, suit, action, demand, or other thing, real or personal; or any transfer or assurance of money, certificates of shares of stock, goods, chattels, or other property whatever; or any letter of attorney or other power to receive money, or to receive or transfer certificates of shares of stock or annuities, or to let, lease, dispose of, alien, or convey any goods, chattels, lands or tenements, or other estate, real or personal; or any acceptance or indorsement of any bill of exchange, promissory note, draft, order or assignment, of any bonds, obligation, or promissory note for money or other property; or the seal or handwriting of another;
- (2) utters, publishes, passes, or attempts to pass, as true and genuine, any of the false, altered, forged or counterfeited matters, as above specified and described, knowing the same to be false, altered, forged or counterfeited;
- (3) alters, corrupts, or falsifies any record of any will, codicil, conveyance, or other instrument, the record of which is by law evidence; or any record of any judgement of a court or the return of any officer to any process of any court;
- (4) makes, forges, or alters any entry in any books or records; or any instrument purporting to be any record or return specified in the subdivisions (1)-(3) of this section;
- (5) forges or counterfeits the Government seal, the seal of any public officer authorized by law, the seal of any court of record, or the seal of any corporation; or any other public seal authorized or recognized by law, or the seal of any State, government, or country; or any impression purporting to be an impression of any such seal; or
- (6) has in his possession any such counterfeit seal, or impression thereof, knowing it to be counterfeited, and willfully conceals the same -

shall be fined not more than \$2,000 or imprisoned not more than 10 years, or both.

Section 792. Passing forged bills or notes; possession of; penalty

Whoever -

- (1) has in his possession or receives from another person any forged promissory note or bank-bill, or bills for payment of money or property, with the intention to pass the same or to permit, cause, or procure the same to be uttered or passed in order to defraud

- (2) has or keeps in his possession any blank or unfinished note or bank bill made in the form or similitude of any promissory note or bill for payment of money or property made to be issued by any incorporated bank or banking company with intention to fill and complete such blank and unfinished note or bill, or to permit or cause, or procure the same to be filled up and completed, in order to utter or pass the same, or to permit or cause, or procure the same to be uttered or passed, or to defraud any person -

shall be fined not more than \$2,000 or imprisoned not more than 10 years, or both.

Section 793. Making and passing fictitious bills and notes

Whoever, with intent to defraud another person, makes, utters, passes, or publishes, or attempts to utter, pass or publish, any fictitious bill, note, or check, or other instrument in writing for the payment of money or property of some bank, corporation, partnership, or individual when, in fact, there is no such bank, corporation, partnership, or individual in existence, knowing the bill, note, check, or instrument in writing to be fictitious, shall be fined not more than \$2,000 or imprisoned not more than 10 years, or both.

Section 794. Sending or delivering false messages

Whoever, with intent to deceive, injure or defraud another person -

- (1) knowingly and willfully sends by telegraph, radio or cable a false or forged message, purporting to be from such telegraph, radio or cable office or from any other person;
- (2) willfully delivers or causes to be delivered to any person any such message falsely purporting to have been received by telegraph, radio, or cable; or
- (3) furnishes or conspires to furnish, or causes to be furnished, to any agent, operator or employee, to be sent by telegraph, radio or cable, or to be delivered, any such message knowing the same to be false or forged -

shall be fined not more than \$1,000 or imprisoned not more than 5 years, or both.

Section 795. Filing or recording forged instruments

Whoever, knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any public office within the Virgin Islands, which instrument if genuine, might be filed, registered or recorded under the laws of the Virgin Islands or under the laws of the United States applicable to the Virgin Islands, shall be fined not more than \$1,000 or imprisoned not more than 5 years, or both.

Section 831. Intent to defraud, sufficiency

Whenever, by any provisions of this Code, an intent to defraud is necessary to constitute a crime, it is sufficient if any intent appears to defraud any person, as such term is defined in section 41 of Title 1, or any body politic.

Section 832. Conveyance or concealment of property in fraud of creditors

Whoever -

- (1) fraudulently removes his property or effects beyond the jurisdiction of the courts or fraudulently sells, conveys, assigns, or conceals

his property, with intent to defraud, hinder, or delay his creditors of their rights, claims, or demands; or

- (2) having an action pending against him or a judgment for the recovery of any personal property rendered against him, fraudulently conceals, sells, or disposes of such property with intent to hinder, delay or defraud the person bringing such action or recovering such judgment, or with such intent removes such property beyond the jurisdiction of the courts in which it may be at the time of the commencement of such action or the rendering of such judgment -

shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 833. Participating in frauds on creditors

Whoever -

- (1) is a party to any fraudulent conveyance of any property, real or personal, or any right or interest issuing out of the same, or to any bond, suit, judgment, or execution, contract or conveyance, had, made or contrived, with intent to deceive and defraud others, or to defeat, hinder, or delay creditors or others of their just debts, damages, or demands; or
- (2) being a party as aforesaid, at any time wittingly and willingly puts in, uses, avows, maintains, justifies or defends the same, or any of them, as true, done, had, or made in good faith, or upon good consideration, or aliens, assigns, or sells any of the property, real or personal, or other things before mentioned, conveyed to him as aforesaid, or any part thereof -

shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 834. Obtaining money by false pretense

Whoever knowingly and designedly, by false or fraudulent representation or pretenses, defrauds any other person of money or property, shall -

- (1) if such property or money was less than \$100 in value, be fined not more than \$200 or imprisoned not more than 1 year, or both; or
- (2) if such property or money was \$100 or more in value, be imprisoned not more than 10 years.

Section 835. Drawing and delivering worthless checks

(a) Whoever makes, draws, utters, or delivers any check, draft or order for the payment of money -

- (1) to the value of \$100 or more upon any bank or other depository knowing at the time of such making, drawing, uttering or delivering that the maker or drawer has not sufficient funds in, or credit with, such bank or other depository for the payment of such check, draft or order, in full, upon its presentation, shall be fined not more than \$1,000 or imprisoned not more than 5 years, or both;
- (2) to the value of less than \$100, upon any bank or other depository knowing at the time of such making, drawing, uttering or delivering that the maker or drawer has not sufficient funds in, or credit with, such bank or other depository for the payment of such check, draft or order, in full, upon its presentation, shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

- (b) The making, drawing, uttering or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima facie evidence of the maker's or drawer's knowledge of insufficient funds in, or credit with, such bank or other depository, if such maker or drawer has not paid the drawee thereof the amount due thereon, together with all costs and protest fees, within 10 days after receiving notice that such check, draft or order has not been paid by the drawee.
- (c) "Credit", as used in this section, means an arrangement or understanding with the bank or depository for the payment of such check, draft or order.

Section 836. Production of fraudulent heir

Whoever fraudulently produces an infant, falsely pretending it to have been born of any parent whose child would be entitled to inherit, with intent to intercept the inheritance, shall be imprisoned not more than 10 years.

Section 837. Reselling sold property

Whoever, after once selling, bartering, or disposing of any property, real or personal, or any interest therein, or after executing any bond or agreement for the sale of such property, again willfully and with intent to defraud previous or subsequent purchasers -

- (1) sells, barter, or disposes of the same property, or any part thereof, or interest therein; or
 - (2) executes any bond or agreement to sell, barter or dispose of the same property, or any part thereof, or interest therein -
- to any other person for a valuable consideration, shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 838. Misrepresentation of competency by a married person

Whoever, being married, falsely and fraudulently represents himself or herself as competent to sell or mortgage any real estate to the validity of which sale or mortgage the assent or concurrence of his wife or her husband is necessary, and under such representation, willfully conveys or mortgages the same, shall be imprisoned not more than 10 years.

Section 839. Defrauding hotels, etc.

Whoever -

- (1) obtains any food or accommodation at a hotel or boarding house without paying therefor, with intent to defraud the proprietor or manager thereof;
 - (2) obtains credit at a hotel or boarding house by the use of any false pretense; or
 - (3) after obtaining credit or accommodation at any hotel or boarding house, absconds and surreptitiously removes his baggage therefrom without paying for his food or accommodations -
- shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 840. Defrauding pledgees

Whoever, after pledging as security any real or personal property whatever, for a loan or other security, during the existence of said pledge, with the intent to defraud the pledgee, his representatives or assigns, transfers, sells, takes, drives or carries away or otherwise disposes of

or permits the transferring, selling, taking or carrying away or other disposal of said property, or any part thereof, without the written consent of the pledgee, shall -

- (1) if the property pledged was less than \$100 in value, be fined not more than \$200 or imprisoned not more than 1 year, or both; or
- (2) if the property pledged was \$100 or more in value, be imprisoned not more than 10 years.

Section 841. Fraudulent burning of insured property

(Refer to sections 241-255)

Whoever willfully burns or in any other manner injures or destroys any property which is at the time insured against loss of damage by fire, or by any other casualty, with intent to defraud or prejudice the insurer, whether the same be the property or in possession of such person, or of any other, shall be fined not more than \$1,000 or imprisoned not more than 10 years, or both.

Section 842. Fraudulent insurance claims

Whoever -

- (1) presents any false or fraudulent claim, or any proof in support of such claim, upon any contract of insurance for the payment of any loss; or
- (2) prepares, makes, or subscribes any account, certificate of survey, affidavit, or proof of loss, or other book, paper, or writing, with intent to present or use the same, or to allow it to be presented or used in support of any such claim -

shall be fined not more than \$1,000 or imprisoned not more than 5 years, or both.

Section 843. Fraudulent claims upon the government

Whoever -

- (1) makes or presents any claim upon or against the government of the Virgin Islands or any officer, department, board, commission, or other agency thereof, knowing such claim to be false, fictitious or fraudulent;
- (2) knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
- (3) makes any false or fraudulent statements or representations; or
- (4) makes or uses any false bill, receipt, voucher, roll, account, claim, certificate, affidavit or deposition knowing the same to contain any fraudulent or fictitious statement or entry -

in any matter within the jurisdiction of any officer, department, board, commission, or other agency of the government of the Virgin Islands, shall be fined not more than \$500 or imprisoned not more than two years, or both.

Section 844. Evidence of false pretenses

Upon a trial for having, by any false pretense, obtained -

- (1) the signature of any person to any written instrument; or
- (2) from any person any valuable thing -

no evidence shall be admitted of a false pretense expressed orally and unaccompanied by a false token or writing; unless such pretense, or some note or memorandum thereof, is in writing, and either subscribed by or in the handwriting of the defendant. This section does not apply to an action

Some Sections of the Virgin Islands Code

Page 45

for falsely representing or personating another, and in such assumed character receiving any such valuable thing.

Section 881. Negligently allowing boiler to burst

Whoever having charge of any steam boiler or steam engine, or other apparatus for generating or employing steam, willfully or from neglect, creates or allows to be created, such an undue quantity of steam as to burst or break the boiler, engine, or apparatus, or to cause any other accident whereby -

(1) the death of a human being is produced; or

(2) human life is endangered -

shall be fined not more than \$2,000 or imprisoned not more than 5 years, or both.

Section 882. Abandoning boiler under pressure

Whoever willfully abandons a steam boiler while said boiler is under pressure of steam shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both.

Section 883. Disobeying orders of fireman, policeman, etc.

Whoever disobeys the lawful orders of any police officer or fireman, or offers any resistance to or interferes with the lawful efforts of any fireman or company of firemen to extinguish a fire, or engages in any disorderly conduct calculated to prevent the fire from being extinguished, or who forbids, prevents, or dissuades others from assisting to extinguish the same, shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 884. Explosion endangering human life

Whoever maliciously by the explosion of gunpowder or other explosive substance, destroys, throws down, or injures the whole or any part of any building, by means of which the life or safety of a human being is endangered, shall be fined not more than \$1,000 or imprisoned not more than 5 years, or both.

Section 885. Failure to perform duties under health laws

Whoever, being charged with the performance of any duty under the laws relating to the preservation of public health, who willfully neglects or refuses to perform the same, shall, except in cases where a specific punishment is prescribed, be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 886. Exposure in public place while infected with contagious disease

Whoever willfully exposes himself or another afflicted with any contagious or infectious disease in any public place or thoroughfare, except in his necessary removal in a manner the least dangerous to the public health, shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 887. Intoxicated physician; acts performed by

Whoever, being a physician and in a state of intoxication, does any act as a physician to another person by which the life of such person is endangered,

Some Specific Sections of the Virgin Islands Code

Page 46

shall be fined not more than \$500 or imprisoned not more than one year, or both.

Section 921. Murder defined

Murder is the unlawful killing of a human being with malice aforethought.

Section 922. First and second degree murder defined

(a) All murder which -

- (1) is perpetrated by means of poison, lying in wait, torture or by any other kind of willful, deliberate and premeditated killing; or
- (2) is committed in the perpetration or attempt to perpetrate arson, burglary, kidnapping, rape, robbery or mayhem -

is murder in the first degree.

(b) All other kinds of murder are murder in the second degree.

Section 923. Punishment for murder

(a) Whoever commits murder in the first degree shall be imprisoned for life.

(b) Whoever commits murder in the second degree shall be imprisoned for not less than 5 years.

Section 924. Manslaughter defined and classified

Manslaughter is the unlawful killing of a human being without malice aforethought. It is of two kinds -

- (1) Voluntary; upon a sudden quarrel or heat of passion; or
- (2) Involuntary; in the commission of an unlawful act, not amounting to a felony; or in the culpable omission of some legal duty; or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection.

Section 925. Punishment for manslaughter

(a) Whoever commits voluntary manslaughter shall be imprisoned not more than 10 years.

(b) Whoever commits involuntary manslaughter shall be imprisoned not more than 5 years.

Section 926. Excusable homicide defined

Homicide is excusable -

- (1) when committed by accident and misfortune, or in doing any lawful act by lawful means, with usual and ordinary caution, and without any unlawful intent; or
- (2) when committed by accident and misfortune, in the heat of passion, upon any sudden and sufficient provocation, or upon a sudden combat, when no undue advantage is taken, nor any dangerous weapon used, and when the killing is not done in a cruel or unusual manner.

Section 927. Justifiable homicide defined

Homicide is justifiable when committed by -

- (1) public officers and those acting by their command in their aid and assistance,
 - (A) in obedience to any judgment of a competent court;
 - (B) when necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty; or

- (C) when necessarily committed in retaking felons who have been rescued or have escaped, or when necessarily committed in arresting persons charged with felony, and who are fleeing from justice or resisting such arrest;
- (2) any person -
 - (A) when resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person;
 - (B) when committed in defense of habitation, property, or person, against one who manifestly intends or endeavors, by violence or surprise to commit a felony, or against one who manifestly intends and endeavors, in a violent, riotous or tumultuous manner, to enter the habitation of another for the purpose of offering violence to any person therein;
 - (C) when committed in the lawful defense of such person, or a wife or husband, parent, child, master, mistress, or servant of such person, when there is reasonable ground to apprehend a design to commit a felony, or to do some great bodily injury, and imminent danger of such design being accomplished; but such person, or the person on whose behalf the defense was made, if he was the assailant or engaged in mortal combat, must really and in good faith have endeavored to decline any further struggle before the homicide was committed; or
 - (D) when necessarily committed in attempting by lawful ways and means to apprehend any person for any felony committed or in lawfully suppressing any riot, or in lawfully keeping or preserving the peace.

Section 928. Acquittal on showing of justification or excuse

Whenever a homicide appears to be justifiable or excusable, the person charged must, upon his trial, be acquitted and discharged.

Section 961. Incest defined; punishment

Persons being within the degrees of consanguinity within which marriages are declared by law to be void, who knowingly intermarry with each other, or who commit fornication or adultery with each other shall each be imprisoned for not more than 10 years.

Section 991. Cruelty toward incompetents

Whoever treats harshly, cruelly, or unkindly, or neglects any duty towards, any idiot, imbecile, lunatic or insane persons, shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 1021. Obscene and indecent conduct

Whoever-

- (1) exposes his person or the private parts thereof in any public place, or in any place where there are present other persons to be offended or annoyed thereby;
- (2) procures, counsels, or assists any person so to expose himself, or to take part in any model artist exhibition, or to make any other exhibition of himself to public view or to the view of any number of persons, such as is offensive to decency, or is adapted to excite to lewd or vicious thoughts or acts;

- (3) writes, composes, stereotypes, prints, publishes, sells, distributes, keeps for sale, or exhibits any obscene or indecent writing, paper or books; or designs, copies, draws, engraves, paints, or otherwise prepares any obscene or indecent picture or print; or molds, cuts, casts, or likewise makes any obscene or indecent figure;
 - (4) writes, composes, or publishes any notice or advertisement of any such writing, paper, book, picture, print, or figure;
 - (5) sings any lewd or obscene song, ballad, or other words in any public place, or in any place where there are persons present to be offended or annoyed thereby;
 - (6) uses vile and obscene language in public streets or places or in private places so as to seriously disturb the peace; or
 - (7) urinates or defecates in public places -
- shall be fined not more than \$100 or imprisoned not more than 90 days, or both.

Section 1051. Kidnapping; accessories

- (a) Whoever abducts, leads, decoys, entices, takes or carries away any person or child with the intent to detain or conceal such person or child, or with the intent to deprive any person or child of his liberty, is guilty of kidnapping and shall be imprisoned for not more than 20 years.
- (b) This section shall not apply in any case where a parent abducts his own child.
- (c) Whoever is found to be an accessory, before or after the fact, of the crime set forth in subsection (a) of this section, shall be subject to the same penalties.

Section 1081. Larceny defined and classified

- (a) Larceny is the unlawful taking, stealing, carrying, leading, or driving away the personal property of another.
- (b) Larceny is divided into two degrees, grand larceny and petit larceny.

Section 1082. Appropriating lost property

Whoever finds lost property, and appropriates such property to his own use, or to the use of another person not entitled thereto, is guilty of larceny.

Section 1083. Grand larceny

Whoever takes property -

- (1) which is of \$100 or more in value; or
 - (2) from the person of another -
- commits grand larceny and shall be imprisoned for not more than 10 years.

Section 1084. Petit larceny

Whoever commits larceny under any other circumstances is guilty of petit larceny and shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 1085. Severance of fixture from realty as larceny

The provisions of this chapter apply where the thing taken is any fixture or part of the realty, and is severed at the time of the taking, in the

same manner as if the thing had been severed by another person at a previous time.

Section 1086. Valuation of evidences of debt

If the thing stolen consists of any evidence of debt, or other written instrument, the amount of money due thereupon, or secured to be paid thereby, and remaining unsatisfied, or which in any contingency might be collected thereon, or the value of the property the title to which is shown thereby, or the sum which might be recovered in the absence thereof, is the value of the thing stolen.

Section 1087. Embezzlement defined

Embezzlement is the fraudulent appropriation of property by a person to whom it has been entrusted.

Section 1088. Undelivered negotiable instruments as property

Any evidence of debt, negotiable by delivery only, and actually executed, is the subject of embezzlement, whether it has been delivered or issued as a valid instrument or not.

Section 1089. Embezzlement by public and private officers

Whoever, being an officer of the Virgin Islands or a subdivision thereof, or a deputy, clerk, or servant of such officer, or an officer, director, trustee, clerk, servant, attorney, or agent of any association, society, or corporation (public or private), fraudulently appropriates to any use or purpose not in the due and lawful execution of his trust, any property which he has in his possession or under his control by virtue of his trust, or secretes it with a fraudulent intent to appropriate it to such use or purpose, is guilty of embezzlement.

Section 1090. Embezzlement by carriers

Whoever, being a carrier or other person having under his control personal property for the purpose of transportation for hire, fraudulently appropriates it to any use or purpose, inconsistent with the safekeeping of such property and its transportation according to his trust is guilty of embezzlement, whether he has broken the package in which such property is contained or has otherwise separated the items thereof, or not.

Section 1091. Embezzlement by fiduciaries

Whoever, being a trustee, banker, merchant, broker, attorney, agent, assignee in trust, executor, administrator, or collector, or person otherwise intrusted with or having in his control property for the use of any other person, fraudulently appropriates it to any use or purpose not in the due and lawful execution of his trust, or secretes it with a fraudulent intent to appropriate it to such use or purpose is guilty of embezzlement.

Section 1092. Embezzlement by bailee

Whoever, being intrusted with any property as bailee, tenant, or lodger, or with any power of attorney for the sale or transfer thereof, fraudulently converts the same or the proceeds thereof to his own use, or secretes it or them with a fraudulent intent to convert to his own use, is guilty of embezzlement.

Section 1093. Embezzlement by clerks, agents, employees, etc.

Whoever, being a clerk, agent, or servant of any person, fraudulently appropriates to his own use, or secretes with a fraudulent intent to appropriate to his own use, any property of another which has come into his control or care by virtue of his employment as such clerk, agent or servant, is guilty of embezzlement.

Section 1094. Punishment for embezzlement

(a) Whoever is guilty of embezzlement shall -

- (1) if the property or money embezzled was less than \$100 in value, be fined not more than \$200 or imprisoned not more than 1 year, or both; or
- (2) if the property or money embezzled was \$100 or more in value, be imprisoned not more than 10 years.

(b) Where the property embezzled is an evidence of debt or right of action the sum due upon it or secured to be paid shall be taken as its value.

Section 1171. Libel defined

A malicious publication, by writing, printing, picture, effigy, sign or otherwise than by mere speech, which exposes any living person, or the memory of any deceased person to hatred, contempt, ridicule or obloquy, or which causes or tends to cause any person to be shunned or avoided, or which has a tendency to injure any person in his or their business or occupation, is a libel.

Section 1172. Punishment for libel

Whoever willfully publishes or procures to be published any libel, or distributes or causes to be distributed any libelous matter in the form of leaflets, cards, or any other manner whatsoever, either printed or written, posting or causing them to be posted in any place, shall be fined not more than \$500 or imprisoned not more than 1 year, or both.

Section 1173. Malice presumed

An injurious publication is presumed to have been malicious if no justifiable motive for making it is shown.

Section 1174. Truth as a defense

In all criminal prosecutions for libel, the truth may be given in evidence, and if it appears to the court that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted.

Section 1175. Publication defined

To sustain a charge of publishing a libel, it is not necessary that the words or things complained of should have been read or seen by another. It is enough that the accused knowingly parted with the immediate custody of the libel, under circumstances which exposed it to be read or seen by any other person than himself.

Section 1178. Privileged communications

A communication made to a person interested in the communication, by one who was also interested or who stood in such relation to the former as to afford a reasonable ground for supposing his motive innocent, is not

presumed to be malicious, and is a privileged communication.

Section 1179. Threatening to publish libel

Whoever -

- (1) threatens another with the publication of a libel concerning him, or any parent, husband, wife, child or other member of his family; or
- (2) offers to prevent the publication of a libel upon another person upon condition of the payment of, or with intent to extort, money or other valuable consideration from any person -

shall be fined not more than \$1,000 or imprisoned not more than 5 years, or both.

Section 1180. Slander defined

Slander is a -

- (1) false and malicious utterance made by word of mouth in a public manner against a person, whereby such person is charged with the commission of a deed punishable by law; or
- (2) a tale, or report maliciously made tending to injure the honor, reputation or worthiness of any person or any religious denomination or organization.

Section 1181. Malice presumed

Any slanderous statement made whether in the presence of the injured person or in his absence, is presumed to be malicious and shall constitute the crime of slander.

Section 1182. Punishment for slander

Whoever commits slander shall be fined not more than \$500 or imprisoned not more than 180 days, or both.

Section 1183. Reporting official statements as slander

No oral, impartial and accurate account or exposition of judicial, legislative or of any other official act, nor of the statements made while in the discussion, argumentation and debating of said acts shall be considered slander.

Section 1221. Lottery defined

A lottery is any scheme for the disposal or distribution of money or property by chance, among persons who have paid or promised to pay any valuable consideration for the chance of obtaining such property or a portion of it, or for any share or interest in such money or property, upon any agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance, whether called a lottery, raffle, gift, enterprise or by whatever name the same may be known.

Section 1222. Conducting a lottery

- (a) Whoever contrives, prepares, sets up, proposes or draws any lottery, other than an official lottery of the Virgin Islands of the United States, shall be fined not more than \$500 or imprisoned not more than 2 years, or both.
- (b) Notwithstanding the provisions of subsection (a) of this section, the Commissioner of Public Safety may permit raffles in good faith.

Section 1223. Selling lottery tickets

Whoever sells, gives or in any manner whatsoever furnishes or transfers to or for any other person -

- (1) any ticket, chance, share or interest; or
- (2) any paper, certificate or instrument purporting or understood to be or represent any ticket, chance, share or interest -

in or depending upon the event of any lottery, other than an official lottery of the Virgin Islands of the United States, shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 1224. Gambling

Whoever -

- (1) deals, plays, carries on, opens or conducts, either as owner or employee, either for hire or not, any game of chance played with dice, cards, slot machines or any other device, for money, checks, credit or other representative of value; or
 - (2) plays or bets at or against any such game; or
 - (3) is willfully present where any such game is being played -
- shall be fined not more than \$200 or imprisoned not more than 180 days, or both.

Section 1225. Maintaining gambling establishment

Whoever knowingly permits any game of chance, as described in section 1224 or this title, to be played, conducted or dealt in any house rented or owned, in whole or part, by him, shall be fined not more than \$200 or imprisoned not more than 180 days, or both.

Section 1226. Seizure of gambling apparatus

Any person who is required or authorized to arrest any person for a violation of the provisions of this chapter, is also authorized and required to seize any table, cards, dice or other apparatus or article suitable for gambling purposes, found in the possession or under the control of the person so arrested, and to deliver the same to the judicial officer before whom the person arrested is required to be taken.

Section 1261. Destroying written instruments

Whoever maliciously mutilates, tears, defaces, obliterates or destroys any written instrument, the property of another, the false making of which would be forgery, shall be fined not more than \$1,000 or imprisoned not more than 5 years, or both.

Section 1262. Destruction of bridges, roads, highways, etc.

Whoever maliciously digs up, removes, displaces, breaks or otherwise injures, obstructs or destroys -

- (1) any public highway or bridge;
- (2) any private way laid out by authority of law; or
- (3) any bridge upon such highway or private way -

shall be fined not more than \$500 or imprisoned not more than 1 year, or both.

Section 1263. Destruction of utility lines, poles, etc.

Whoever maliciously takes down, removes, injures, tampers or obstructs, any telegraph, radio, telephone, electric light or power line, meter, pole or part thereof, or appurtenances or apparatus connected therewith,

Some Specific Sections of the Virgin Islands Code

Page 53

or whoever severs any wires thereof, shall be fined not more than \$500 or imprisoned not more than 1 year, or both.

Section 1264. Taking water without authority; injury to canal, etc.

Whoever -

- (1) without authority of the owner or managing agent and with intent to defraud, takes water from any canal, well, cistern, ditch, flume or reservoir used for the purpose of holding or conveying water for manufacturing, agriculture, irrigation, generation of power or domestic uses;
- (2) without like authority, raises, lowers or otherwise disturbs any gate or other apparatus used for the control or measurement of water; or
- (3) empties or places into any such canal, well, cistern, ditch, flume or reservoir, any rubbish, filth or obstruction to the free flow of water -

shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 1265. Destroying or defacing tombstones or cemetery grounds

Whoever -

- (1) willfully and maliciously defaces, breaks, destroys or removes any -
 - (A) tomb, monument or gravestone erected to any deceased person;
 - (B) memento or memorial; or
 - (C) ornamental plant, tree or shrub appertaining to the place of burial of a human being; or
- (2) marks, defaces, injures, destroys or removes any fence, post, rail or wall of any cemetery or graveyard -

shall be fined not more than \$500 or imprisoned not more than 1 year, or both.

Section 1266. Destruction of other property

Whoever maliciously injures or destroys any real or personal property not his own, in cases not otherwise specified in this Code, shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 1301. Forcible marriage; defilement

Whoever takes any woman unlawfully, against her will, and by force, menace or duress, compels her -

- (1) to marry him;
- (2) to marry any other person; or
- (3) to be defiled -

shall be imprisoned not more than 10 years.

Section 1302. Solemnizing forbidden marriages

Whoever, being authorized to solemnize marriages, willfully and knowingly solemnizes any marriage forbidden by law, shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 1303. Falsely recording marriages

Whoever -

- (1) being authorized to solemnize any marriage, willfully makes a false

return of any marriage or pretended marriage to the court;
(2) contracts such a marriage;
(3) knowingly takes part in the celebration of such a marriage; or
(4) makes a false record of any marriage return -
shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 1341. Mayhem defined

(a) Whoever willfully and with intent to commit a felony or to injure, disfigure or disable, inflicts upon the person of another any injury which-
(1) seriously disfigures his person by any mutilation thereof;
(2) destroys or disables any member or organ of his body; or
(3) seriously diminishes his physical vigor by the injury of any member or organ -
shall be imprisoned not more than 15 years.
(b) The infliction of injury is presumptive evidence of the intent required by subsection (a) of this section.

Section 1342. Manner of inflicting the injury, relevance of

To constitute mayhem, it is immaterial by what means or instrument, or in what manner, the injury was inflicted.

Section 1343. Disabling self to escape performance of duty

Whoever, with design to disable himself from performing a legal duty, existing or anticipated, inflicts upon himself an injury, whereby he is so disabled, shall be fined not more than \$1,000 or imprisoned not more than 5 years, or both.

Section 1344. Recovery of injured person as a defense

When, upon a trial for mayhem, it appears that the person injured has, before the time of trial, so far recovered from the injury, that he is no longer disfigured by it in personal appearance, or disabled in any member or organ of his body, or affected in physical vigor, no conviction for mayhem can be had. The defendant may, however, be convicted of assault in any degree.

Section 1381. Unauthorized taking or using of vehicle

Whoever, without the consent of the owner -
(1) takes, uses or operates; or
(2) removes from a garage or other building, or from any place or locality on a public or private highway, park, street, lot, field, enclosure or space, and operates or drives -
a motor vehicle or bicycle for his own profit, use or purpose, shall be fined not more than \$500 or imprisoned not more than 1 year, or both.

Section 1382. Leaving scene of accident

Whoever, knowing that he has by the operation of a motor vehicle injured any person, fails to remain at the place where the injury occurred to render assistance to the injured person, shall be fined not more than \$1,000 or imprisoned not more than 5 years, or both.

Section 1461. Public nuisance defined

Anything which -

- (1) is injurious to helath, indecent, offensive to the senses or an obstruction to the free use of 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 -

is a public nuisance.

Section 1462. Public nuisance, maintaining, failure to remove

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.

Section 1501. Corruptly influencing jurors, arbitrators and referees

Whoever corruptly attempts to influence a juror, or any person summoned or drawn as a juror, choses as an arbitrator or appointed as a commissioner or referee, in respect to his verdict in, or decision of, any cause or proceeding, pending or about to be brought before him, by means of any -

- (1) oral or written communication with him, except in the regular course of proceedings;
- (2) book, paper or instrument exhibited, except in the regular course of proceedings;
- (3) threat, intimidation, persuasion or entreaty; or
- (4) promise or assurance of any pecuniary or other advantage -

shall be fined not more than \$1,000 or imprisoned not more than 5 years, or both.

Section 1502. Corrupt acts by jurors, arbitrators and referees

Whoever, being a juror, or a person summoned as a juror, chosen as an arbitrator or appointed as a commissioner or referee -

- (1) makes any promise or agreement to give a verdict or decision for or against any party; or
- (2) willfully and corruptly permits any communication to be made to him or receives any book, paper, instrument or information relating to any cause or matter pending before him, except in the regular course of proceedings -

shall be fined not more than \$1,000 or imprisoned not more than 5 years, or both.

Section 1503. Preparing false evidence

Whoever prepares any false or antedated book, paper, record, instrument or other matter or thing, with intent to produce it or to allow it to be produced as genuine or true, upon any trial, proceeding or inquiry whatever, authorized by law, shall be fined not more than \$1,000 or imprisoned not more than 5 years, or both.

Section 1504. Offering false documents in evidence

Whoever, upon any trial, proceeding, inquiry or investigation authorized or permitted by law, offers in evidence as genuine or true, any book, paper, document, record or other instrument or writing, knowing the same to have been forged or fraudulently altered or antedated, shall be fined not more than \$1,000 or imprisoned not more than 5 years, or both.

Section 1505. Influencing the testimony of witnesses

Whoever -

- (1) practices any fraud or deceit on; or
- (2) knowingly makes or exhibits any false statement, representation, token or writing to -

any witness, or person about to be called as a witness, upon any trial, proceeding, inquiry or investigation authorized by law, shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 1506. Destruction of evidence

Whoever, knowing that any book, paper, record, instrument, writing or other matter or thing is about to be produced in evidence upon any trial, inquiry or investigation authorized by law, willfully destroys or conceals the same, shall be fined not more than \$1,000 or imprisoned not more than 5 years, or both.

Section 1507. Preventing or dissuading witnesses from attending trial

Whoever willfully prevents or dissuades any person who is or may become a witness, from attending any trial, proceeding or inquiry authorized by law, shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 1508. Interfering with officer discharging his duty

Whoever willfully resists, delays or obstructs any public officer in the discharge, or attempt to discharge any duty of his office, shall, when no other punishment is prescribed by this title, be fined not more than \$500 or imprisoned not more than 1 year; or both.

Section 1509. Interfering with property in custody of an officer

Whoever willfully injures, destroys or takes from the custody of any officer or person, any personal property which such officer or person has in charge under any process of law, shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 1541. Perjury defined

Whoever, in or in connection with, any action, proceeding, hearing or inquiry or on any occasion when an oath may be lawfully administered -

- (1) swears or affirms -
 - (A) that he will truly testify, declare, depose or certify; or
 - (B) that any testimony, declaration, deposition, certificate, affidavit or other writing subscribed by him is true; and
- (2) willfully and knowingly testifies, declares, deposes or certifies falsely or states in his testimony, deposition, affidavit or certificate any matter to be true which he knows to be false -

shall be imprisoned not more than 10 years.

Section 1548. Subornation of perjury

Whoever willfully procures or induces another to commit perjury, shall be imprisoned not more than 10 years.

Section 1549. Perjury resulting in conviction of innocent person

Whoever, by willful perjury or subornation of perjury, procures the conviction and punishment of any innocent person, is punishable by the same penalty that was inflicted upon such innocent person; but in no case shall the punishment be less than one year imprisonment.

Section 1581. Prisoners under protection of law.

The person of a convict sentenced to imprisonment is under the protection of the law, and any injury to his person not authorized by law, is punishable in the same manner as if he were not convicted or sentenced.

Section 1582. Oppression of prisoners

Whoever is guilty of willful inhumanity or oppression toward any prisoner under his care or in his custody, shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 1621. Definitions

As used in this chapter -

"assignation" includes the making of any appointment or engagement for prostitution or lewdness, or any act in furtherance of such appointment or engagement;

"lewdness" includes any indecent or obscene act; and

"prostitution" includes the offering or receiving of the body for sexual intercourse for hire and the offering or receiving of the body for indiscriminate sexual intercourse without hire.

Section 1622. Prohibiting prostitution

Whoever -

- (1) engages in prostitution, lewdness or assignation;
- (2) procures or solicits, or offers to procure or solicit, for the purpose of prostitution, lewdness or assignation;
- (3) keeps, sets up or maintains any place, structure, building or conveyance for the purpose of prostitution, lewdness or assignation;
- (4) permits any place, structure, building or conveyance owned by him, or under his control, to be used for the purpose of prostitution, lewdness, or assignation with knowledge or reasonable cause to know that the same is, or is to be, used for such purpose;
- (5) receives, or offers or agrees to receive, any person into any place, structure, building or conveyance for the purpose of prostitution, lewdness or assignation, or permits any person to remain there for such purpose;
- (6) directs, takes or transports, or offers or agrees to take or transport, any person to any place, structure or building, or to any other person with knowledge or reasonable cause to know that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation; or
- (7) resides in, enters or remains in any place structure or building,

or enters or remains in any conveyance for the purpose of prostitution, lewdness or assignation - shall be fined not more than \$100 or imprisoned not more than 180 days, or both.

Section 1623. Knowingly leasing property for purposes of prostitution
Whoever leases, rents or contracts to lease or rent, any vehicle, conveyance, place, structure, building or any part thereof, knowing or with good reason to know, that it is to be used for purposes of prostitution, lewdness or assignation, shall be fined not more than \$100 or imprisoned not more than 180 days, or both.

Section 1624. Keeping house of prostitution

Whoever keeps or has any interest in keeping -

- (1) a house of ill-fame or assignation of any description;
- (2) a house or place for persons to visit for unlawful sexual intercourse or for any sexual, obscene or indecent purpose; or
- (3) a disorderly house or any place of public resort by which the peace, comfort or decency of a neighborhood is disturbed -

shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 1625. Pandering

Whoever, by promises, threats, violence or by any device or scheme, causes, induces, persuades or encourages -

- (1) a female person to become an inmate of a house of prostitution, or procures for a female person a place as inmate of any place in which prostitution is encouraged or allowed; or
- (2) an inmate of a house of prostitution, or any other place in which prostitution is encouraged or allowed, to remain therein as such inmate; or

Whoever, by fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, procures any female person to become an inmate of a house of ill-fame, or to enter any place in which prostitution is encouraged or allowed, or to come into the Virgin Islands or leave the Virgin Islands for the purpose of prostitution; or

Whoever receives or gives, or agrees to receive or give, any money or thing of value for procuring or attempting to procure, any female person to become an inmate of a house of ill-fame within the Virgin Islands, or to come into the Virgin Islands or leave the Virgin Islands for the purpose of prostitution; or

Whoever, being a male person and knowing a female person to be a prostitute -

- (1) lives or derives support or maintenance, in whole or in part, from the earnings or proceeds of the prostitution of such prostitute, or from monies loaned or advanced to or charged against such prostitute by any keeper, manager or inmate of a house or other place where prostitution is practiced or allowed; or
 - (2) touts or receives compensation for touting for such prostitute -
- shall be fined not more than \$1,000 or imprisoned not more than 5 years, or both.

Section 1626. Conviction of pandering on unsupported testimony of female

Upon a trial for pandering, the defendant cannot be convicted upon the

testimony of the female injured, unless it is corroborated by some other evidence tending to connect the defendant with the commission of the crime.

Section 1661. Definitions

As used in this chapter -

"public monies" includes all bonds and evidences of indebtedness and all monies belonging to the Government of the Virgin Islands.

Section 1662. Embezzlement or falsification of public accounts

Whoever, being a public officer or person charged with the receipts, safekeeping, transfer or disbursement of public monies -

- (1) appropriates the same, or any portion thereof to his own use or the use of another, without authority of law;
- (2) fails to keep the same in his possession until disbursed or paid out by authority of law;
- (3) loans the same, or any portion thereof, or makes a profit out of, or uses the same for any purpose not authorized by law;
- (4) unlawfully deposits the same, or any portion thereof, in any bank, or with any banker or other person;
- (5) changes or converts any portion thereof from coin into currency, or from currency into coin or other currency, without authority of law;
- (6) knowingly keeps any false account, or makes any false entry or erasure in any account of or relating to the same;
- (7) fraudulently alters, falsifies, conceals, destroys or obliterates any account, or documents relating thereto;
- (8) willfully refuses or omits to pay over, on demand, any public moneys in his hands, upon the presentation of a draft, order or warrant drawn upon such moneys by competent authority;
- (9) willfully omits to transfer the same, when such transfer is required by law;
- (10) willfully omits or refuses to pay over to any officer or person authorized by law to receive the same, any money received by him under any duty imposed by law so to pay over the same -

shall be fined not more than \$2,000 or imprisoned not more than 5 years, or both, and shall be disqualified from holding any public office.

Section 1663. Neglecting to pay over public monies

Whoever -

- (1) being an officer charged with the receipt, safekeeping, or disbursement of public money, neglects or fails to keep and pay over the same in the manner prescribed by law; or
- (2) being a clerk, marshal, or other officer, receives any fine or forfeiture and refuses or neglects to pay over the same according to law -

shall be fined not more than \$2,000 or imprisoned not more than 5 years, or both, and shall be disqualified from holding any public office.

Section 1664. False certificates by public officers

Whoever, being a public officer authorized by law to make or give any certificate or writing, makes and deliveries as true any such certificate or writing containing statements which he knows to be false, shall be

Some Specific Sections of the Virgin Islands Code

Page 60

fined not more than \$500 or imprisoned not more than 2 years, or both.

Section 1701. Rape in the first degree

Whoever perpetrates an act of sexual intercourse with a female not his wife -

- (1) When through idiocy, imbecility or any unsoundness of mind, either temporary or permanent, she is incapable of giving consent, or, by reason of mental or physical weakness or immaturity or any bodily ailment, she does not offer resistance;
- (2) when her resistance is forcibly overcome;
- (3) when her resistance is prevented by fear of immediate and great bodily harm which she has reasonable cause to believe will be inflicted upon her;
- (4) when her resistance is prevented by stupor or weakness of mind produced by an intoxicating, narcotic or anaesthetic agent, or when she is known by the defendant to be in such state of stupor or weakness of mind from any cause; or
- (5) when she is, at the time, unconscious of the nature of the act and this is known to the defendant -

is guilty of rape in the first degree and shall be imprisoned not more than 20 years.

Section 1702. Rape in the second degree

Whoever perpetrates an act of sexual intercourse with a female not his wife who is under 14 years of age, under circumstances not amounting to rape in the first degree, is guilty of rape in the second degree and shall be imprisoned not more than 5 years.

Section 1703. Rape in the third degree

Whoever perpetrates an act of sexual intercourse with a female not his wife who is under 16 years of age but over 13 years of age, under circumstances not amounting to rape in the first degree, is guilty of rape in the third degree and shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 1704. Penetration necessary to constitute rape

Any sexual penetration, however slight, is sufficient to complete the crime.

Section 1705. Proof of physical ability to penetrate

No conviction for rape can be had against one who was under the age of 14 years at the time of the act alleged, unless his physical ability to accomplish penetration is proved as an independent fact, beyond a reasonable doubt.

Section 1706. Conviction on testimony of female defiled

No conviction can be had for rape upon the testimony of the female defiled, unsupported by other evidence.

Section 1741. Trespass

Whoever enters upon the land of another without the consent of the owner or of the person in charge thereof, shall be fined not more than \$50 or

imprisoned not more than 30 days, or both.

Section 1742. Trespass to remove or deface property

Whoever willfully commits any trespass by -

- (1) cutting down, destroying or injuring any kind of wood or timber growing upon the lands of another or upon public lands;
- (2) carrying away any kind of wood or timber lying on such lands;
- (3) maliciously injuring or destroying any standing crop, fruits or vegetables, the property of another, in any case for which a punishment is not otherwise prescribed by this Code;
- (4) digging, taking or carrying away from any real estate, without the license of the owner or legal occupant thereof, any earth, soil or stone;
- (5) digging, taking or carrying away any earth, soil or stone from any land of the Government of the Virgin Islands, recognized or established as a street, road, alley, avenue or park, without the license of the proper authorities, or;
- (6) putting up, affixing, fastening, printing or painting upon any property belonging to the Government of the Virgin Islands, or dedicated to the public, or upon any property of any person, without license from the owner, any notice, advertisement of designation of, or any name for, any commodity, whether for sale or otherwise, or any picture, sign or device intended to call attention thereto -

shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 1743. Leaving enclosure open

Whoever passes through an enclosure of another and leaves the same open, shall be fined not more than \$50 or imprisoned not more than 30 days, or both.

Section 1744. Tearing down fence

Whoever willfully tears down a fence without the consent of the owner or the person in charge thereof, to make passage through an enclosure, shall be fined not more than \$100 or imprisoned not more than 90 days, or both.

Section 1745. Permitting animals to stray upon lands of another

Whoever knowingly and willfully permits any donkey, horse, mule, sheep, cattle, hog or goat owned or controlled by him, to stray or enter upon the land of another, without the consent of the owner or person in charge of such land, shall be fined not more than \$100 or imprisoned not more than 30 days, or both.

Section 1746. Removing or defacing boundary markers

Whoever -

- (1) maliciously removes any monument erected for the purpose of designating any point in the boundary of any lot or tract of land, or a place where a subaqueous telegraph cable lies;
- (2) maliciously defaces or alters the marks upon any such monument; or
- (3) maliciously cuts down or removes any tree upon which any such marks have been made for such purpose, with intent to destroy such

marks -
shall be fined not more than \$200 or imprisoned not more than 1 year,
or both.

Section 1747. Forcible and unlawful entry

Whoever -

- (1) uses force or violence in entering upon or detaining any lands or other property, public or private; or
 - (2) enters another's domicile without the consent of the tenant -
- shall, except in the cases and in the manner prescribed by law, be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 1748. Returning to lands after removal by lawful process

Whoever -

- (1) having been removed from any lands by process of law; or
 - (2) having removed from any lands pursuant to the lawful adjudication or direction of any court, tribunal or officer -
- unlawfully returns to settle, reside upon or take possession of such lands shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 1781. Defacing or removing posted laws

Whoever intentionally defaces, obliterates, tears down or destroys -

- (1) any copy, transcript or extract from or of any law of the United States or the Virgin Islands; or
 - (2) any proclamation, advertisement or notification -
- set up at any place in the Virgin Islands by authority of any laws of the United States or the Virgin Islands, or by order of any court, before the expiration of the time for which the same was to remain set up, shall be fined not more than \$50 or imprisoned not more than 30 days, or both.

Section 1782. Mutilation and destruction of records by public officers

Whoever, being an officer having the custody of any record, map or book or any paper or proceeding of any court, filed or deposited in any public office or placed in his hands for any purpose -

- (1) steals, willfully destroys, mutilates, defaces, alters, falsifies, removes or secretes the whole or any part of such record, map, book, paper or proceeding; or
 - (2) permits any other person so to do -
- shall be fined not more than \$2,000 or imprisoned not more than 10 years, or both, and shall be disqualified from holding any public office.

Section 1783. Mutilation and destruction of records by persons other than public officers

Whoever, not being such an officer as is referred to in section 1782 of this title, commits any of the acts specified in that section, shall be fined not more than \$1,000 or imprisoned not more than 5 years, or both.

Section 1784. Falsification of returns required by law; failing to take oaths or make affidavits

Whoever, being an agent or officer of any institution, corporation or company -

- (1) gives or returns a false or fraudulent list, schedule or statement

required by law; or
(2) willfully fails or refuse to take and subscribe to any of the oaths, affidavits or affirmations required by law -
shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 1821. Riot defined

A riot is -

- (1) any disturbance of the public peace by the use of force or violence to any other person or to property; or
- (2) any threat or attempt to commit such disturbance or to do any unlawful act by the use of force or violence, when accompanied by immediate power of execution -
by three or more persons acting together and without lawful authority.

Section 1822. Punishment for riot

Whoever participates in any riot shall be fined not more than \$100 or imprisoned not more than 1 year, or both.

Section 1823. Unlawful assembly defined

(a) Whenever three or more persons -

- (1) assemble with intent to commit any unlawful act by force;
- (2) assemble with intent to carry out any purpose in such a manner as to disturb the public peace; or
- (3) being assembled, attempt or threaten any act tending toward a breach of the peace or an injury to person or property or any unlawful act -

such an assembly is unlawful.

(b) This section shall not be construed to prevent the peaceable assembling of persons for lawful purposes of protest or petition.

Section 1824. Punishment for unlawful assembly

Whoever participates in any unlawful assembly shall be fined not more than \$100 or imprisoned not more than 1 year, or both.

Section 1825. Remaining at place of riot or unlawful assembly after warning

Whoever remains present at the place of an unlawful assembly or riot after the persons assembled have been lawfully warned to disperse and who is not a public officer or person assisting them in attempting to disperse the same, shall be fined not more than \$100 or imprisoned not more than 1 year; or both.

Section 1826. Refusing to aid in suppressing a riot

Whoever, being present at the place of an unlawful assembly or riot and being commanded by a duly authorized public officer to act or aid in suppressing the riot, or in protecting persons or property, or in arresting a person guilty or charged with participating in the unlawful assembly or riot, neglects or refuses to obey such command, shall be fined not more than \$100 or imprisoned not more than 90 days, or both.

Section 1861. Robbery defined

Robbery is the unlawful taking of personal property in the possession

Some Specific Sections of the Virgin Islands Code

Page 64

of another, from his person or immediate presence and against his will, by means of force or fear.

Section 1862. Punishment for robbery

Whoever commits robbery shall be imprisoned not more than 15 years.

Section 1901. Intentional injury to or interference with property

Whoever intentionally destroys, impairs, injures, interferes or tampers with real or personal property with reasonable grounds to believe that such act will hinder, delay or interfere with the preparation of the United States, or of any state, commonwealth, territory or island possession of the United States, for defense or for war, or for the prosecution of war by the United States, shall be fined not more than \$2,000 or imprisoned not more than 10 years, or both.

Section 1902. Intentionally defective workmanship

Whoever intentionally makes or omits to note on inspection, any defect in any article or thing with reasonable grounds to believe -

- (1) that such article or thing is intended to be used in connection with the preparation of the United States, or of any state, commonwealth, territory or island possession of the United States, for defense or for war, or for the prosecution of war by the United States; or
 - (2) that such article or thing is one of a number of similar articles or things, some of which are intended so to be used -
- shall be fined not more than \$2,000 or imprisoned not more than 10 years, or both.

Section 1903. Attempts to commit sabotage

(a) In addition to the acts which constitute an attempt to commit a crime under the laws of the Virgin Islands -

- (1) the solicitation or incitement of another to commit any of the crimes defined in this chapter not followed by the commission of the crime;
- (2) the collection or assemblage of any materials with the intent that the same are to be used then or at a later time in the commission of such crime; or
- (3) the entry, with or without permission, of a building, enclosure or other premises of another with the intent to commit any such crime therein or thereon -

shall constitute an attempt to commit such crime.

(b) Whoever attempts to commit any of the crimes defined by this chapter shall be punished not more than one-half the maximum penalty prescribed for the completed crime.

Section 1904. Conspiracy; penalties; defenses

(a) If two or more persons conspire to commit any crime defined by this chapter, each of such persons is guilty of conspiracy and subject to the same punishment as if he had committed the crime which he conspired to commit, whether or not any act be done in furtherance of the conspiracy.

(b) It shall not constitute any defense or ground of suspension of judgment, sentence or punishment on behalf of any person prosecuted

under this section, that any of his fellow conspirators has been acquitted, has not been arrested or convicted, is not amenable to justice or has been pardoned or otherwise discharged before or after conviction.

Section 1905. Immunity of witnesses

No person shall be excused from attending and testifying, or producing any books, papers, or other documents before any court, magistrate, or the United States attorney upon any investigation, proceeding or trial, for or relating to or concerned with a violation of any section of this chapter or attempt to commit such violation, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to convict him of a crime or to subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him, upon any criminal investigation, proceeding or trial, except upon a prosecution for perjury or contempt of court based upon the giving or producing of such testimony.

Section 1906. Detention of unauthorized persons entering restricted areas

Any peace officer or any person employed as watchman, guard, or in a supervisory capacity on premises connected with or used for national defense activities and posted with a sign reading "No Entry Without Permission" may stop any person found on any premises to which entry without permission is forbidden, and may detain him for the purpose of demanding, and may demand, of him his name, address and business in such place. If said peace officer or employee has reason to believe from the answers of the person so interrogated that such person has no right to be in such place, said peace officer may arrest such person without a warrant on the charge of unlawful entry; and said employee shall forthwith turn such person over to a peace officer who may arrest him without a warrant on the charge of unlawful entry.

Section 1907. Rights of labor

Nothing in this chapter shall be construed to impair, curtail or destroy the rights of employees and their representatives to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, to strike, to picket, or to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection.

Section 1908. Conviction under other laws

If conduct prohibited by this chapter is also made unlawful by another or other laws, the offender may be convicted for violation of this chapter or of such other law.

Section 1941. Detaining children from school

Whoever -

- (1) detains any child from attending school at the prescribed times and places, without authority of lawful regulation; or
- (2) performs or omits any act whereby any child under his control, directly or indirectly, is hindered from regular attendance at

school -
shall be fined not more than \$1 for each day's absence.

Section 1942. Failure to register for school

Whoever, being a parent or guardian, fails to register such children as are required to be registered for school attendance, shall be fined not more than \$50.

Section 1981. Seduction under promise to marry

Whoever, under promise of marriage, seduces and has sexual intercourse with an unmarried female of previous chaste character, shall be fined not more than \$2,000 or imprisoned not more than 3 years, or both.

Section 1982. Marriage as a bar to prosecution

The intermarriage of the parties prior to the trial is a bar to a prosecution for a violation of section 1981 of this title.

Section 1983. Conviction on unsupported testimony of female

No conviction can be had for an offense specified in section 1981 of this title upon the testimony of the female seduced, unsupported by further evidence.

Section 2021. Mutilation and disinterment of dead body

- (a) Whoever mutilates, disinters or removes from the place of sepulture the dead body of a human being, without authority of law, shall be imprisoned not more than 5 years.
- (b) The provisions of this section shall not apply to any person who removes the dead body of a relative or friend for reinterment.

Section 2022. Burial in other than cemetery

Whoever, without permission of competent authority, buries or interms the dead body of any human being or any human remains in any place other than a cemetery or place of burial, shall be fined not more than \$500 or imprisoned not more than 1 year, or both.

Section 2061. Sodomy

Whoever carnally knows any male or female person by the anus or by or with the mouth, or voluntarily submits to such carnal knowledge, shall -

- (1) if such act is committed with a person under 16 years of age, be imprisoned not more than 20 years; or
- (2) if such act is committed with any other person, shall be imprisoned not more than 10 years.

Section 2062. Bestiality

Whoever shall carnally copulate with a beast shall be imprisoned not more than 5 years.

Section 2063. Penetration required

Any sexual penetration, however slight, is sufficient to complete the crimes specified in sections 2061 and 2062 of this title.

Section 2101. Buying or receiving stolen property

- (a) Whoever buys or receives any personal property knowing the same to have

been stolen, shall -

- (1) if the value of such property is \$100 or more, be fined not more than \$1,000 or imprisoned not more than 5 years, or both; or
 - (2) if the value of such property is less than \$100, be fined not more than \$200 or imprisoned not more than 1 year, or both.
- (b) It shall be presumptive evidence that property was stolen, if it consists of jewelry, silver, plated ware, articles of personal adornment or junk and if purchased or received from a person under the age of 18, unless such property is sold by said minor at a fixed place of business carried on by said minor or his employer.

Section 2102. Possessing and conveying stolen property

- (a) Every police and peace officer shall stop, search and detain -
- (1) any vessel, boat, automobile, motor truck, cart, carriage or other vehicle, in or upon which there shall be reason to suspect that anything stolen or unlawfully obtained may be found; or
 - (2) any person who may be reasonably suspected of having or conveying in any manner anything unlawfully obtained.
- (b) Whoever, being brought before a court and charged with having in his possession or conveying in any manner anything which may be reasonably suspected of being stolen or unlawfully obtained and cannot give an account to the satisfaction of the court how he came by the same, shall be fined not more than \$10 or imprisoned not more than 30 days, or both.

Section 2141. Aiding or advising suicide

Whoever deliberately aids, advises or encourages another to commit suicide, shall be imprisoned not more than 5 years.

Section 2171. Definitions

As used in this chapter -

"Trade-mark" means a mark used to indicate the maker, owner or seller of an article of merchandise and includes, among other things, any name of a person or corporation, or any letter, word, device, emblem, figure, seal, stamp, diagram, brand, wrapper, ticket, stopper, label or other mark, lawfully adopted by him and usually affixed to an article of merchandise to denote that the same was imported, manufactured, produced, sold, compounded, bottled, packed or otherwise prepared by him, and also any signature or mark, used or commonly placed by a painter, sculptor or other artist upon a painting, drawing, engraving, statute or other work of art, to indicate that the same was designed or executed by him;

"Article of merchandise" means any goods, wares, work of art, commodity, compound, mixture or other preparation or thing, which may be lawfully kept or offered for sale;

"Imitation of a trade-mark" means that which so far resembles a genuine trade-mark as to be likely to induce the belief that it is genuine, whether by the use of words or letters, similar in appearance or in sound, or by any sign, device or other means whatsoever; and

"Affixed" means placed in any manner in or upon -

- (1) the article itself; or
- (2) a box, bale, barrel, bottle, case, cask, platter or other vessel or package, or a cover, wrapper, stopper, brand, label or other thing in, by or with which the goods are packed, inclosed or other-wise prepared for sale or disposition.

Section 2172. Wrongful use of trade-marks

Whoever -

- (1) falsely makes or counterfeits a trade-mark;
- (2) affixes to any article of merchandise -
 - (A) a false or counterfeit trade-mark, knowing the same to be false or counterfeit; or
 - (B) the genuine trade-mark or an imitation of the trade-mark of another, without the latter's consent;
- (3) knowingly sells, or keeps or offers for sale, an article of merchandise to which is affixed a false or counterfeit trade-mark or the genuine trade-mark or an imitation of the trade-mark of another, without the latter's consent;
- (4) has in his possession a counterfeit trade-mark, knowing it to be counterfeit, or a die, plate, brand or other thing for the purpose of falsely making or counterfeiting a trade-mark;
- (5) makes or sells, or offers to sell or dispose of, or has in his possession with intent to sell or dispose of, an article of merchandise with such a trade-mark or label as to appear to indicate the quantity, quality, character, place of manufacture or production, or persons manufacturing, packing, bottling, boxing or producing the article, but not indicating it truly;
- (6) knowingly sells, offers or exposes for sale, any goods which are represented in any manner, by word or deed, to be the manufacture, packing, bottling, boxing or product of any person other than himself, unless such goods are contained in the original packages, box or bottle and under the labels, marks or names placed thereon by the manufacturer who is entitled to use such marks, names, brands, or trade-marks;
- (7) sells, or exposes for sale any goods in bulk, to which no label or trade-mark is attached, and by representation, name or mark written or printed thereon, represents that such goods are the production or manufacture of a person who is not the manufacturer; or
- (8) knowingly sells, offers or exposes for sale any article of merchandise and orally or by representation, name or mark written or printed thereon, attached thereto or used in connection therewith or by advertisement, or by any other manner whatsoever -
 - (A) makes any false representation as to the person by whom such article of merchandise or the material thereof was made, or was in whole or in part produced, manufactured, finished, processed, treated, marketed, packed, bottled or boxed; or
 - (B) falsely represents that such article of merchandise or the material or any part thereof has or may properly have any trade-mark attached to it or used in connection with it, or is, or is or may properly be indicated or identified by any trade-mark -

shall be fined not more than \$5,000 or imprisoned not more than 3 years, or both.

Section 2191. Altering livestock brands

Whoever willfully marks or brands, or alters or defaces the brand of any animal belonging to another, shall be imprisoned not more than 5 years.

Section 2221. Miscellaneous acts of vagrancy

Whoever -

- (1) being able by lawful means, to support himself or his spouse or his or her children, willfully refuses or neglects to do so; or
- (2) being a common prostitute, wanders in the public streets or highways, or in any place of public resort and behaves in a riotous and indecent manner; or
- (3) being in any street, highway or public place, accosts a stranger and offers to take him to the house or residence of a prostitute; or
- (4) being a common prostitute or nightwalker, loiters in any street or highway and importunes passengers for the purpose of prostitution; or
- (5) wanders abroad or places himself in any public place, street, wharf, highway, court or passage in order to beg or gather alms, or to cause, procure or encourage any child to so do; or
- (6) being in any street, highway or public place, accosts a stranger or follows him about, without lawful authority or excuse; or
- (7) pretends or professes to tell fortunes by palmistry, "obeah" or any such like superstitious means, or uses or pretends to use any subtle craft or device, in order to deceive and impose upon other persons; or
- (8) lives in or loiters about houses of ill fame; or
- (9) wanders about the streets at late or unusual hours of night, without any visible or lawful business; or
- (10) loiters in or about public toilets in public places; or
- (11) annoys or molests any child under the age of 18 years; or
- (12) loiters about any school or public place at or near which school children attend; or
- (13) willfully exposes to view in any street, road, highway or public place, or in the window or other part of any shop or other building situated in any street, road, highway or public place, any obscene print, picture or other indecent exhibition; or
- (14) willfully, openly and obscenely exposes his person in any public street, road, highway or place of public resort, or in view thereof; or
- (15) wanders abroad and endeavors by the exposure of wounds and deformities to obtain or gather alms; or
- (16) endeavors to procure charitable contributions under any false or fraudulent pretenses; or
- (17) has in his custody any picklock, key, crow, jack, bit or other implement with intent to break into any dwelling house, warehouse, store, shop, coachhouse, stable, garage or outbuildings; or
- (18) is unlawfully armed with any gun, pistol, hanger, cutlass, bludgeon or other offensive weapon; or
- (19) has upon him any instrument with intent to commit any felonious act -

shall be deemed a vagrant and shall be fined not more than \$100 or imprisoned*not more than 30 days, or both.

Section 2251. Carrying or using dangerous weapons

Whoever -

- (1) attempts to use against another an imitation pistol;

Some Specific Sections of the Virgin Islands Code

Page 70

- (2) carries or possesses any instrument or weapon of the kind commonly known as a blackjack, slingshot, billy, sandclub, sandbag, metal knuckles, bludgeon; or
- (3) with intent to use the same unlawfully against another, carries or possesses a dagger, dirk, dangerous knife, razor, stiletto, imitation pistol, machine gun, sawed-off shot-gun or any other dangerous or deadly weapon -

shall be fined not more than \$200 or imprisoned not more than 1 year; or if he has previously been convicted of a felony, shall be imprisoned not more than 5 years.

Section 2252. Carrying concealed firearms

Whoever has or carries concealed upon his person any pistol, revolver or other firearm without a written license therefor, shall be fined not more than \$500 or imprisoned not more than 1 year, or both; or if he shall have been convicted of a felony, shall be imprisoned not more than 5 years.

Section 2253. Exceptions

The provisions of sections 2251 and 2252 of this title shall not apply to -

- (1) marshals, police officers or other duly authorized peace officers;
- (2) members of the armed services of the United States when on duty;
- (3) military or civil organizations when parading, or to the members thereof when at, going to or coming from their usual place of assembly; or
- (4) persons employed in fulfilling defense contracts with the United States Government or agencies therefor where such possession or use of such weapons is necessary under the provisions of such contracts.

Section 2254. Licensing of concealable firearms

The Commissioner of Public Safety may license any person to carry or possess a pistol or revolver.

Section 2255. Confiscation of illegally held weapons

Whoever violates the provisions of sections 2251 and 2252 of this title, shall, in addition to the punishments therein prescribed, also have the pistol, weapon or other implement which he possessed or carried illegally, confiscated by the Government of the Virgin Islands.

VOLUME IV

Title Twenty-Three

Section 51. Walking on public sidewalks

Pedestrians meeting on public sidewalks shall keep to the right.

Section 52. Loud announcement of articles for sale

All loud announcement of articles for sale is prohibited except between the hours of 7 a.m. and 6 p.m.

Section 53. Holding, climbing or attaching handcarts to vehicles in motion

No person shall hold, climb upon, or attach handcarts to any vehicle in motion.

Section 54. Prohibition of certain activities on public streets, roads and places

No person shall shoot with guns, pistols, catapults, popguns, bows and arrows, peashooters, or any other device; ignite any kind of explosive; throw stones, dirt, water, or anything which might damage or cause annoyance; fly kites, or play games on, or across, public streets, roads and places.

The police authority may, however, permit the discharge of fireworks.

Section 55. Bathing near public streets, roads or places

No person shall bathe in the immediate vicinity of public streets, roads, or places, other than where allowed by the police authorities.

Section 91. Regulation of traffic

The police authorities may regulate and control all traffic, and may close any public street, road or place, to all traffic, or to certain kinds of traffic, when circumstances concerning public safety and order warrant.

Section 92. Transaction of business on public highways or grounds

No person shall sell goods, or transact similar business upon public highways or grounds, other than the regular market places, without the permission of the police authorities. Persons granted such permission shall confine their business strictly to the place or places, allotted to them.

Section 93. Carrying objects on sidewalks or footpaths

No person shall carry on public sidewalks or footpaths such objects as might expose pedestrians to injury or obstruct their passage.

Section 94. Obstruction of sidewalks, streets or places

No person shall place anything on public sidewalks, streets, or places, that will obstruct public traffic. Such obstruction is, however, permissible in case of loading or unloading of articles, where no court or yard is available. In such cases, as little inconvenience as possible shall be caused to traffic, and the said articles must be removed without unreasonable delay. Carts, as well as handcarts shall not be unduly delayed upon public streets, roads or places, for the purpose of loading or unloading without the special permission of the police authorities.

Section 95. Beating, shaking, airing, or drying materials; watering plants

No person shall beat, shake, air or dry carpets, cloths, clothes, or the like, on or across public streets, roads, or places or water plants placed on galleries in such a way as to inconvenience those who pass beneath.

Section 96. Obstruction of traffic by vehicles

Vehicles shall not be parked on public streets, roads, and places, where they obstruct traffic; and shall not be allowed to remain on the above named places longer than is necessary for loading and unloading, unless

special permission is obtained from the police authorities. When such special permission is obtained, they shall remain in the places allotted them. When horses and carts are drawn up on public highways, they shall be as far as possible to the side of the road.

Section 97. Instructions for special occasions

At weddings, funerals, concerts, balls, theatrical performances, or on other occasions when vehicles are assembled in large numbers in the public streets, roads, or places, the special instructions of the police authorities for such occasions shall be obeyed.

Section 121. Supervision of small children in public places

Parents, or guardians, of small children shall provide proper supervision for such children, when in public streets, roads, or places.

Section 122. Obstruction of traffic by construction

Before beginning the erection, pulling down, or making extensive repairs of buildings facing a public street, road, or place, the owner shall acquaint the police authorities in writing of his intention to do so. The police authorities shall see that such arrangements are made, as will reduce all inconvenience to traffic. The owner shall see that the removal of the fencing is not delayed by the undue protraction of the work.

Section 123. Erection of scaffolding

Scaffolding facing public streets, roads, or places, shall be of warrantable strength, and carefully erected.

Section 124. Cleaning or repairing of overhead structures

When the cleaning of roof gutters, repairing of roofs, or the conducting of similar work, in places projecting over, or facing public streets, roads or places, is to be undertaken, the parties concerned shall post up such notice, or lights, as will sufficiently warn those passing of the inconvenience or danger of the place. Under no circumstances shall dry mortar, or any material of a similar nature, be thrown across public streets, roads or places.

Section 125. Damaging public streets, roads or places

No person, without permission from the proper authorities, shall damage public streets, roads or places; or in any way interfere with their customary usage, or endanger traffic thereon.

Section 126. Placing water on public streets, roads or places

No person shall empty or turn on water to public streets, roads, or places, except into drains designed for that purpose. The washing of the frontage of buildings facing public streets, roads, or places, shall be subject to special regulations prescribed by the Commissioner of Public Safety.

Section 161. General rules

(a) Persons riding or driving horse-drawn vehicles, or drawing handcarts, shall observe rules of reasonable precaution, especially when turning corners, crossing lines of traffic, passing through gates or other road-ways leading from yards, or similar places. No person shall race horses upon public streets, roads and places. Within the vicinity

of the towns, no person shall drive a horse faster than at an even trot, or at a speed easily commanded.

- (b) Riders and drivers shall in good time warn persons who are in their way, but shall make way for vehicles of the fire service. When passing the latter vehicles, drivers shall stop, or proceed only at a walking pace.
- (c) Any animal, except oxen, when ridden, or driven, upon public highways or places, shall be bridled with a bit. Wagons drawn by two or more yokes of oxen, when driven on public streets, roads or places, shall have a driver with the foremost yoke or yokes.

Section 162. Riding or driving on sidewalks or footpaths

No person shall ride or drive upon public sidewalks or footpaths.

Section 163. Riding and driving; rules of the road

All drivers and riders shall keep to their left on the road, or street, where they meet; when passing those moving in the same direction, they shall do so on the right side. At street corners, or crossings, persons riding or driving shall not pass others travelling by similar means, and in the same direction. Persons driving around corners leading to the right shall make a wide turn, entering the street or road on the left side. Accordingly, those driving around corners leading to the left, shall make a short turn. At such time all shall drive slowly.

Section 164. Driving against detachments of troops, funerals or other processions

No person shall drive against or into detachments of troops, funerals or other processions.

Section 165. Lights and reflectors

Every animal-drawn vehicle in use from one-half hour after sunset to one-half hour before sunrise shall display a white light on the right front side.

In addition to such light, every animal-drawn vehicle shall have two reflectors not less than three inches in diameter, a green one in front and a red one in the rear, attached to the right side of the vehicle and placed as high as the structure of the vehicle will permit.

Section 166. Driving of horse-drawn vehicle by person under 12 years of age

No person under 12 years of age shall be hired to drive a horse-drawn vehicle upon public streets, roads or places.

Section 167. Animals left standing in public places

All animals attached to vehicles which stand on public streets, roads, places, or in gateways, yards, or similar places, with a passage leading to public highways or places, shall be in charge of some reliable person, or securely tied in a safe manner. No person shall remove bridle or halter from horses or mules in such places.

Section 168. Bells or horns on rubber-tired vehicles

Rubber-tired vehicles shall be equipped with suitable bells or horns.

Section 201. Bicycle and cyclist; definitions

A bicycle is a vehicle with two wheels, one behind the other, connected by a bar carrying a seat, and propelled by the feet of the rider. The rider is referred to as a cyclist in this subchapter.

Section 202. Bicycle signal and light

Bicycles shall be equipped with a warning signal, and with a light which shall be lighted when the bicycle is ridden on the public streets or highways between half hour after sunset and half hour before sunrise. The front glass of light shall be colorless.

Section 203. Bicycle riding on crowded thoroughfare

When approaching a crowded thoroughfare, cyclists shall give an audible and distinct warning in due time, and shall proceed at a slow rate of speed, and if the traffic is congested, shall dismount.

Section 204. Practicing to ride bicycle on public street or highway

Practicing to ride bicycles on the public streets and highways, may be prohibited by the police authorities.

Section 205. Rule of the road for cyclists

- (a) Cyclists shall always keep to the left, and shall not be found in the center of any street, road or highway.
- (b) When a cyclist is about to cross a corner of the street, or road, he shall within 20 feet of such corner or crossing, sound his signal, and shall immediately reduce his speed to a minimum.
- (c) No cyclists shall ride without holding at least one handle of the bicycle.

Section 206. Bicycle racing; speed limitation

No person shall race on a bicycle or ride a bicycle at a speed of more than 10 miles an hour on the public streets or highways.

Section 241. Animals on public streets, highways, or other places

- (a) Horses, mules, donkeys, cattle, hogs, goats, and sheep, shall not be on the public streets, highways, or other places, without a caretaker.
- (b) Uncastrated animals frequently found wandering on public streets, highways, and other places, may, by order of the municipal court, be castrated at the expense of the owner, and for his responsibility, in the event of the animal's death.
- (c) Unfettered cattle shall be driven on the public streets, highways, or other places, only under the supervision of reliable persons, and every care and precaution shall be taken to prevent the animals from impeding or obstructing the ordinary traffic, or from doing damage to fences, trees or cultivation.

Section 242. Transportation of cattle through public streets

Before any person shall drive cattle through the public streets, he shall notify the police authorities. The persons driving the cattle shall use only such streets for the purpose as shall be designated by the police authorities with a view towards preventing the impeding of traffic in busy thoroughfares, and danger to pedestrians.

Section 243. Method of transportation of animals

Bulls, horses, donkeys and all animals showing a wild and ferocious disposition, shall be led singly, after being properly tied by the neck or head and foot, and every precaution shall be taken against danger to the public. Hogs shall neither be led nor driven, but shall always be conveyed in carts or barrows or other vehicles. Vehicles used for transportation of cattle, hogs, sheep, goats, or other animals shall be large enough to allow the animals to stand during transportation. No animal shall be tied down in a reclining position in any vehicle for transportation.

Section 281. Licensing of dogs

- (a) Every dog shall be licensed and shall carry at all times the prescribed metal license tag which shall be affixed by the police authorities to a leather collar which shall be furnished by the owner when the license is issued. At the same time the police authorities shall issue a certificate with each such license tag showing the description of the dog, the name of the owner, and the number of the license tag issued.
- (b) License tags shall be renewed every year during the month of January; and thereafter throughout the year the owner shall similarly secure a license tag and certificate for each and every dog when it reaches the age of three months. Imported dogs shall be licensed within 30 days after their arrival.
- (c) The fee for a license tag for a dog shall be \$2 per annum for the towns, and \$1 per annum for the country districts.

Section 282. Impounding unlicensed or unattended dogs

- (a) The promiscuous destruction of dogs by shooting on the streets of the towns and the public highways at any time of day or night is prohibited. The police authorities shall procure proper traps or nets for ensnaring any dog found without proper license tag or any bitch in heat at any time.
- (b) Dogs that are licensed shall not roam the streets of the towns between the hours of ten o'clock p.m. and six o'clock a.m.
- (c) Dogs taken up may be redeemed within 48 hours upon payment of an impounding fee of \$2 to the police authorities, and the payment of the proper license fee if the dog is unlicensed. Dogs not so redeemed shall be destroyed by the police authorities.

Section 283. Penalty; disposition of fines and penalties

- (a) Whoever fails to obtain the proper license tags as provided in Section 281 of this title shall be fined twice the license fee.
- (b) All license fees and fines collected under the provisions of this subchapter shall accrue to the treasury of the Virgin Islands.

Section 284. Dogs kept for guarding purposes; confinement

Dogs kept for the purpose of guarding warehouses, wharves or similar places, at night shall be confined so that they cannot get out.

Section 285. Responsibility for damage by dog; penalty

Owners who permit their dogs to run loose are responsible for any damage

done by such dogs. If according to agreement, the dog is kept by a person other than the owner, the responsibility rests on the person who keeps the dog.

Section 286. Penalties

Whoever -

- (1) incites dogs to attack or does not take measures to prevent his dog from doing so, or
- (2) owns a dog that runs loose and damages any property or injures any person -

shall be fined not more than \$10.

Section 341. Regulation of trading in public places, wharves or piers

The Commissioner of Public Safety shall issue regulations governing market trading, or other trading from stand or boat, at public places, wharves or piers, including determination of the places where such trading may be carried on. Such regulations shall not become effective until approved by the Governor.

Section 342. Sale of fresh fish and meat

The sale of fresh fish and meat shall be allowed only in public fish markets or butcher stalls or when taken to residences. No person shall offer fresh fish or meat for sale on public streets, or places.

Section 371. Permission for performances or exhibitions

No theatrical or musical performance, concert, dance, masquerade, discharge of fireworks, exhibit of curiosities, such as menageries, merry-go-rounds, shooting galleries, or matches, or the like, shall be conducted without permission from the police authorities.

Section 372. Dances and masquerades; permission

- (a) Public dances shall be held in buildings licensed for that purpose by the police authorities. Public dances may be held in other places only when special permission is obtained from the police authorities. A public dance is one at which fees are collected from those participating.
- (b) Permission for masquerading on the streets, roads, or other public places will be granted only on the Day after Christmas, New Year's Day, Transfer Day, Easter Monday, Whit Monday, and 4th of July, and such other days as the Commissioner of Public Safety may fix with the approval of the Governor.

Section 373. Conduct of performances

- (a) When permission has been obtained for purposes mentioned in sections 371 and 372 of this title, no use of the public streets, roads, or places shall be made that may obstruct traffic, or block any entrance to houses. The owner or renter of the property may forbid any of the performances on his property. The police authorities, or any other persons, may demand that any noisy performances be withdrawn to a suitable distance from the place in question.
- (b) Those to whom permission has been granted under the provisions of sections 371 and 372 of this title, shall observe any rules which the police authorities may prescribe for the maintenance of order.

Section 374. Conduct of audiences

At public performances, or other amusements, persons in the audience shall conduct themselves in a decent and orderly manner, and shall not interrupt the same, nor mar the enjoyment of others, by unnecessary noise, shouts, or by any other means.

Section 375. Music in public places; church bells

- (a) Band rehearsals shall not be held in town after 10 p.m. Music shall not be played in the streets between the hours of 10 p.m. and 6 a.m., except on special occasions. On such occasions, permission shall be obtained from the police authorities.
- (b) The police authorities may require the suspension of the ringing of church or other bells, in the immediate neighborhood of a sick person, in case of extreme illness, and upon certificate of the attending physician.

Section 401. Punishment for violation of police regulations

Unless otherwise provided in this Code, the punishment for violation of any provisions of this chapter, or of any regulations issued pursuant to this chapter, shall be by fine not exceeding \$20 or by imprisonment not exceeding 30 days, or both.

Section 402. Offense of child on order, request or prompting of parent or guardian

Any offense committed by a child by order, request, or by any promptings of its parents, or guardians, shall be deemed to have been committed by such parents or guardians, who shall then be liable to punishment therefor.

Section 403. Work performed by others for persons responsible

If any person fails to perform any of the duties required under the provisions of this chapter or of rules and regulations promulgated pursuant to this chapter, the police authorities may employ others to perform them, or take the necessary steps to prevent the neglect from occasioning injury. The expenses resulting from such measures, as well as those incurred by the police authorities in taking steps to prevent the commission of the acts prohibited under this chapter shall be defrayed by the delinquents.

Section 451. Licensing of firearms

- (a) Every person who has reached the age of 18 years may purchase, own, or possess firearms including compressed air or carbon dioxide pistols or rifles; Provided, That within 48 hours after he becomes the lawful owner or possessor he shall register it with the Commissioner of Public Safety, giving the make, caliber, and serial number of the article in question, and secure a license therefor; Provided, further, That the foregoing restrictions do not apply to BB pistols and BB guns where only one stroke of the lever cocks such pistols or guns; Provided, further, That the foregoing restrictions shall not apply to spear fishing guns and equipment and provided, further, that the limitations herein do not apply to merchants who deal in ammunition; Provided, further, That this subdivision does not apply to pistols and revolvers which are treated in subsection (b) of this section.

- (b) With the exception of merchants who deal in ammunition, any person desirous of purchasing, owning, or possessing a pistol or revolver, shall make application for license therefor to the Commissioner of Public Safety upon a form to be provided for that purpose. This form shall provide for declaration by the applicant of his purpose of having ownership or possession of said pistol or revolver and shall be endorsed by two resident citizens of good repute.
- (c) Licenses may be issued by the Commissioner of Public Safety in his discretion upon payment of an initial registration fee of \$3 for each rifle or shotgun, and \$5 for each pistol, revolver, or automatic weapon.
- (d) Non-residents upon entering the Virgin Islands shall register firearms owned and/or possessed by them upon arrival and shall pay the registration fee as required in subsection (c) of this section.
- (e) After the initial registration, every firearm, pistol, revolver or automatic weapon shall be re-registered not later than January 15 of each calendar year without fee.
- (f) The Commissioner of Public Safety may investigate any applicant before issuing him a license. - Amended June 14, 1960. No. 621, Sess. L. 1960, P. 142.

Section 452. Ownership or possession of firearms by persons convicted for felony

No person convicted of a felony shall own, possess or be eligible to register any rifle, shotgun, pistol, revolver or automatic weapon.

Section 453. Weapons used by the armed forces

No person shall own, possess or transport such weapons as tommy guns, sub-machine guns, sawed-off shotguns, or similar weapons used by the armed forces, unless such weapons have been made inoperative by the police force.

Section 454. Exemption from payment of registration fee

All firearms that are licensed and in possession of their lawful owners, upon the effective date of this Code, shall be exempt from payment of the initial registration fee provided in this chapter; provided there is no transfer of ownership. Permanent exemption may be granted by the Commissioner of Public Safety to owners of firearms who collect same for historical or decorative purposes. This section shall not be deemed to cancel unpaid license fees.

Section 455. Transfer of firearms

Immediately upon transfer of ownership by sale, gift, or otherwise, the new owner shall register said firearms as provided in this chapter, In the case of pistols or revolvers the prospective purchaser shall apply to the Commissioner of Public Safety for a license in accordance with the provisions of section 451 of this title, provided, that the transferer shall notify the police force that he has disposed of said firearm registered under his name.

Section 456. Identification card; fingerprints

Upon registration of firearms as provided in this chapter, the Commissioner of Public Safety shall issue an identification card bearing

the owner's name, photograph, identification particulars concerning rifles and shotguns and, in the case of pistols and revolvers, fingerprints of the owner in question.

Section 457. Report by firearm dealers; compliance

- (a) All licensed dealers in firearms shall report all sales thereof to the Commissioner of Public Safety within twenty-four hours after each such sale is effected.
- (b) Licensed dealers in firearms and ammunition shall be required to comply with the provisions of this chapter dealing with ownership, possession, registration, and transfer of title of firearms only in the case of such weapons owned or possessed by them for their personal use, and not for commercial purposes.

Section 458. Penalties

Except as otherwise provided in sections 2252 and 2255 of Title 14, whoever violates any provisions of this chapter shall be fined not more than \$100. The firearm in question shall be confiscated by the police force to be returned to the owner only after the same is properly registered as required, and then only at the discretion of the Commissioner of Public Safety.

Section 551. Fire service; organization

- (a) The fire service of the Virgin Islands shall be under the supervision of the Commissioner of Public Safety,
- (b) The organization of the fire service of the Virgin Islands within the Department of Public Safety shall be in accordance with rules and regulations promulgated by the Commissioner of Public Safety and approved by the Governor.

Section 552. Responsibility of Commissioner of Public Safety relating to fire service

The Commissioner of Public Safety shall be responsible for the discipline, good order and proper conduct of the fire service, the enforcement of laws and regulations pertaining thereto and for the care and condition of the hoses, hose carriages, engines and all other property of the fire service. All responsibility for the direction and control of the fire service shall rest in the Commissioner of Public Safety.

Section 553. Command at fires; penalties

- (a) The Commissioner of Public Safety shall have absolute control and command at all fires and fire alarms.
- (b) Whoever violates any legitimate orders of the Commissioner of Public Safety, or his representative, at the scene of a fire shall be fined not more than \$50 or imprisoned not more than 30 days, or both.

Section 554. Functions of the Commissioner of Public Safety relating to fire service

The Commissioner of Public Safety shall -

- (1) Prepare and issue, subject to the approval of the Governor, such rules and regulations as are necessary for the efficient operation of the fire service.

- (2) Prepare and issue rules and regulations governing protection of fire apparatus; fire drills in schools, public buildings, and other places where such drills may be necessary; the operation of volunteer fire squads; and the institution of a training program for members of the service. Such rules and regulations shall have the force and effect of law when approved by the Governor.
- (3) Determine the qualification for enlistment and recruiting of volunteer firemen and other volunteer members of the fire service.
- (4) Keep a record of all fires, including statistics as to the extent of such fires and the damage caused by them and whether such losses were covered by insurance, and if so, to what extent. Such records shall be made daily from the reports made by the appropriate personnel of the fire service. All such reports shall be public.
- (5) Make and transmit to the Governor an annual report containing a resume of all the activities carried on by the service during the year, with such statistics as may be necessary to include therein. The report should also recommend such amendments to the rules and regulations as, in the judgment of the Commissioner of Public Safety, may be desirable.
- (6) Institute and carry on a training program and through personal inspections keep informed of the progress and efficiency of the fire service.
- (7) Receive, with the approval of the Governor, donations in money, real and/or personal property from the Federal Government or from any public or private entity, whether in trust or in ownership, or in any other form; Provided, That in the case of money or any other financial assistance, the funds received shall be covered into the General Fund of the treasury of the Government of the Virgin Islands.

Section 555. Duties of members of fire service

All members of the Virgin Islands fire service shall perform such duties as may be required by the Commissioner of Public Safety. Members of the service shall have the power to prevent all persons not belonging to the service, or not acting under proper authority, from entering any fire station or handling any fire apparatus belonging to the service. Every member of the service shall be furnished with a copy of the rules and regulations prescribed by the Commissioner of Public Safety.

Section 556. Fire service vehicles; right of way

- (a) The right of way of the streets, alleys and other public places shall be given to the trucks, fire engines and vehicles of the fire service in all cases when in line of duty.
- (b) Whoever fails to yield the right of way as provided in subsection (a) shall be fined not more than \$200 or imprisoned not more than 1 year, or both.

Section 557. Entry of persons in vicinity of fire

- (a) The Commissioner of Public Safety or any representative in command, may prescribe limits in the vicinity of any fire within which no person, excepting those who reside therein, firemen and policemen, and members of the medical service on duty, and those admitted by

order of the fire service, shall be entitled to enter. It shall be the duty of the police force to enforce such orders.

- (b) Whoever violates any orders given pursuant to subsection (a) shall be fined not more than \$200, or imprisoned not more than 1 year, or both.

Section 558. Protection of property in vicinity of fire

No person shall be entitled to take away any property in the possession of the fire service saved from any fire until he shall make satisfactory proof of ownership thereof. The Commissioner of Public Safety or any of his representatives in command shall have power to cause the removal of any property, whenever it shall become necessary for the preservation of such property from fire, or to prevent the spreading of fire, or to protect adjoining property.

Section 559. Destruction of buildings to check spread of fire

When a fire is in progress the Commissioner of Public Works and the Commissioner of Public Safety jointly shall have the power to order any building or buildings that are in close proximity to such fire torn down, blown up, or otherwise demolished, for the sole purpose of checking the conflagration. This authority shall not be exercised unnecessarily or recklessly.

Section 560. Penalties

Whoever violates any provisions of this chapter or any rule issued pursuant to this chapter shall be fined not more than \$200, or imprisoned not more than 1 year, or both, unless otherwise specifically provided.

Section 601. Definitions

As used in this chapter -

"approved" means accepted by the Commissioner of Public Safety as a result of investigation and experience, or by reason of test, listing or approval by Underwriters' Laboratories, Inc., the National Bureau of Standards, the American Gas Association Laboratories or other nationally recognized testing authorities; and

"Commissioner" means the Commissioner of Public Safety.

Section 604. Authority to enter premises

The Commissioner, the Chief of the fire service, or any inspector thereof may, at all reasonable hours, enter any building or premises within his jurisdiction for the purpose of making any inspection or investigation which, under the provisions of this chapter, he may deem necessary to be made. The owner or occupant of the building shall, except in cases of an emergency, be notified that such an inspection will take place within a reasonable time previous to the time of inspection.

Section 610. Penalties

Whoever -

- (1) refuses to allow entry for the purpose of inspection under section 605 of this title or otherwise interferes by hindering such entry; or
- (2) fails to comply with an order under section 606 of this title within 5 days after the service of the order, or within 5 days after an appeal therefrom has been determined; or

- (3) violates any provision of this chapter or any regulation or order issued under this chapter, for which a penalty is not otherwise provided -

shall be fined not more than \$200 or imprisoned not more than one year, or both.

Section 731. Definition of fireworks

"Fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, except that the term "fireworks" shall not include paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap, and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times.

Section 732. Manufacture, sale and discharge of fireworks

- (a) The manufacture of fireworks is prohibited within the Virgin Islands.
- (b) Except as hereinafter provided it shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks. The Commissioner may adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by the government of the Virgin Islands, fair associations, amusement parks, and other organizations or groups of individuals. Every such display shall be handled by a competent operator approved by the Commissioner, and shall be of such a character, and so located, discharged or fired as in the opinion of the Commissioner, after proper inspection, shall not be hazardous to property or endanger any person.
- (c) Application for permits shall be made in writing at least three days in advance of the date of the display. After such privilege shall have been granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

Section 871. Bonfires and outdoor rubbish fires - Permit required

- (a) No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on or in any public street, alley, road or other public ground without a permit or other proper authorization.

Location restricted

- (b) No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on any private land unless (1) the location is not less than 50 feet from any structure and adequate provision is made to prevent fire from spreading to within 50 feet of any structure, or (2) the fire is contained in an approved waste burner with closed top, located safely not less than 15 feet from any structure.

Commissioner may prohibit

- (c) The Commissioner may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.

Section 872. Kindling fire on land of another

No person shall kindle a fire upon the land of another without permission of the owner thereof or his agent.

Section 873. Hot ashes or other dangerous materials

No person shall deposit hot ashes or cinders, or smouldering coals, or greasy or oily substances liable to spontaneous ignition into any wooden receptacle, or place the same within ten feet of any combustible materials, except in metal or other noncombustible receptacles.

Such receptacles, unless resting on a noncombustible floor or on the ground outside the building, shall be placed on noncombustible stands, and in every case must be kept at least two feet away from any combustible wall or partition.

Section 874. Accumulations of waste materials

Accumulations of waste paper, hay, grass, straw, weeds, litter or combustible or flammable waste or rubbish of any kind shall not be permitted to remain upon any roof or in any court, yard, vacant lot or open space. All weeds, grass, vines or other growth, when it endangers property, or is liable to be fired, shall be cut down and removed by the owner or occupant of the property it is on.

Section 875. Handling readily combustible materials

No person making, using, storing or having in charge, or under his control any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or combustible waste materials shall fail or neglect at the close of each day to cause all such material which is not compactly baled and stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal or metal lined, covered, receptacles or bins. The Commissioner shall require suitable baling presses to be installed in stores, apartment buildings, factories and similar places where accumulations of paper and waste materials are not removed at least every second day.

Section 876. Storage of readily combustible materials - Permit required

- (a) No person shall store in excess of 2,500 cubic feet gross volume of combustible empty packing cases, boxes, barrels or similar containers, or rubber tires, or baled cotton, rubber or cork, or other similarly combustible material without a permit.

Storage requirements

- (b) Storage in buildings shall be orderly, shall not be within two feet of the ceiling, and not so located as to endanger exit from the building. Storage in the open shall not be more than twenty feet in height, shall be so located, with respect to adjacent buildings, as not to constitute a hazard, and shall be compact and orderly.

Section 877. Flammable decorative materials in stores

Cotton batting, straw, dry vines, leaves, trees, or other highly flammable

materials shall not be used for decorative purposes in show windows or other parts of stores unless flameproofed. Nothing in this section shall be held to prohibit the display of saleable goods permitted and offered for sale.

Section 878. Chimneys and heating appliances.

All chimneys, smokestacks or similar devices for conveying smoke or hot gases to the outer air and the stoves, furnaces, fire boxes or boilers to which they are connected shall be constructed and maintained in such a manner as not to create a fire hazard.

Section 879. Use of torches or flame-producing devices for removing paint

Any person using a torch or other flame-producing device for removing paint from any building or structure shall provide one approved fire extinguisher or water hose connected to the water supply on the premises where such burning is done. In all cases, the person doing the burning shall remain on the premises 1 hour after the torch or flame-producing device has been used.

Section 891. Definitions

"Smoking" means and includes the carrying of lighted pipe, cigar, cigarette or tobacco in any form.

Section 892. Designation of areas where smoking prohibited

Where conditions are such as to make smoking a hazard in any areas of piers, wharves, warehouses, stores, industrial plants, institutions, places of assembly, and in open spaces where combustible materials are stored or handled, the Commissioner is empowered and authorized to order the owner or occupant in writing to post "No Smoking" signs in each building, structure, room or place in which smoking shall be prohibited. The Commissioner shall designate specific safe locations, if necessary, in any building, structure or place in which smoking may be permitted.

Section 893. "No Smoking" signs

"No Smoking" signs required in accordance with section 892 of this title shall read "By Order of the Commissioner of Public Safety".

Section 894. Smoking and removal of signs prohibited

It shall be unlawful for any person to remove any legally required "No Smoking" sign or to smoke in any place, where such signs are posted.

Section 901. Establishment of fire zones

Fire zones shall be established by regulations of the Commissioner of Public Safety under section 603 of this title.

Section 902. Restrictions in fire zones

The following restrictions shall apply in any fire zone -

- (1) no wood frame buildings of any description shall be erected; and
- (2) all future buildings shall be of either masonry, slow-burning, or fire-resistant construction in accordance with the standards of design and construction set forth in the regulations of the Commissioner of Public Safety under section 603 of this title and the regulations of the Commissioner of Public Works under section

293 of Title 29.

Section 903. Fire restrictions in other areas

In areas within the towns but outside the fire zones no building or structure of frame construction shall be built nearer than 5 feet to the neighboring property line, so that between two frame buildings there shall be a fire gap of not less than 10 feet. Buildings of masonry or fire-resistant construction may be built closer to such property line in accordance with regulations under section 603 of this title and section 293 of Title 29.

VOLUME III

Title Twenty

Section 331. Registration required

Except as provided in this chapter, no motor vehicle shall be operated upon the public highways of the Virgin Islands unless it has been registered by the Commissioner of Public Safety and a registration license issued therefor, and unless it is equipped with license plates as required by this chapter.

Section 332. Procedure for registration

- (a) Application for the registration of a motor vehicle shall be made to the Commissioner of Public Safety on a form prescribed and furnished by the Commissioner.
- (b) The following information shall appear upon the records of registration kept by the Commissioner and upon the registration license issued to the applicant -
 - (1) a distinctive license number assigned by the Commissioner;
 - (2) a brief description of the vehicle, including make, engine number, serial number, type of vehicle, weight, and whether to be used for hire or for private use;
 - (3) the name, age, and address of the owner; and
 - (4) such other information as the Commissioner deems necessary
- (c) Upon receipt of an application for registration and the fees prescribed by law, the Commissioner shall issue a registration license and license plates.
- (d) A registration license and one set of license plates shall be included in the registration fee. In case of loss or destruction, duplicate registration licenses and license plates shall be issued under regulations prescribed by the Commissioner of Public Safety at the fees fixed by law. If duplicate license plates are not available, the Commissioner may issue a new registration license and new license plates, at the fee which would have been applicable if a duplicate plate or plates had been available.

Section 333. Registration licenses

At all times while a motor vehicle required to be registered under this

chapter is being operated upon the public highways, the registration license issued therefor shall be in the possession of the operator or carried in the vehicle and subject to inspection by any peace officer or other person authorized by the Commissioner of Public Safety. However, an operator shall be allowed 24 hours to produce the registration license before a conviction can be obtained under this sub-section, if such license was legally issued at a time prior to his arrest.

Section 334. License plates

- (a) License plates shall be of the type prescribed by the Commissioner of Public Safety and shall bear the distinctive license number assigned under section 332 of this title. They shall be valid only during the calendar year marked thereon and shall not be altered in any respect.
- (b) For motorcycles and bicycles, one plate shall be issued which shall be carried on the mudguard of the rear wheel. For all other motor vehicles, two plates shall be issued which shall be carried on the front and rear of the vehicle. In case of an emergency causing a shortage of materials, however, the Commissioner may issue only one plate, which shall be carried on the rear of the vehicle.
- (c) License plates shall be placed so as to be clearly visible and shall be securely fastened to prevent swinging. They shall be maintained in a legible condition at all times. If they become disfigured so as to interfere with legibility, duplicate or new plates shall be obtained under section 332 of this title.
- (d) License plates shall not be transferred from one vehicle to another.

Section 335. Change of ownership

If the ownership of a motor vehicle is changed, such change shall be registered by the vendor with the Commissioner of Public Safety, and endorsed on the registration license. The operation of any motor vehicle before such registration of change of ownership has been made shall immediately make void the license theretofore issued, and the property shall be considered as remaining in the vendor. The provisions of this section shall not apply to sales of motor vehicles, not previously registered, by dealers who have secured dealers' licenses.

Section 336. Dealers' licenses

Any manufacturer's agent or dealer in motor vehicles may apply for a dealer's license. The application shall be sworn to or affirmed and shall contain such information as the Commissioner of Public Safety may require. On presentation of an application properly executed and payment of the fee provided by law, the applicant shall be furnished a dealer's license and shall be entitled to purchase such number of dealer's license plates as he may desire. The plates furnished under this section shall bear the letter X and a number which shall be the same on all the plates furnished one dealer, and in addition each set of plates shall bear a different number. Dealer's license plates shall be used only in the operation of motor vehicles for sale, and then only on vehicles not previously registered, and shall not be used on vehicles sold, on vehicles loaned for more than five successive days, or on vehicles used in the general business of the dealer. The Commissioner may revoke a dealer's license if he finds

that such license plates are being used in violation of this section.

Section 337. Foreign registration

Tourists or vacationists who bring a private passenger car or motorcycle into the Virgin Islands may be permitted by the Commissioner of Public Safety to use the public highways with unexpired license plates of a State of the United States or a foreign country for a period of 90 days, after the expiration of which they shall procure local license plates. Before using such a vehicle, the owner shall obtain a special registration license, which the Commissioner shall issue without charge, and an operator's license. Such vehicle shall be subject to inspection under this title.

In his discretion, the Commissioner may issue, without charge, courtesy license plates or windshield stickers and require them to be carried by motor vehicles registered under this section in addition to the foreign license plates.

Section 338. License plates for vehicles used for hire

Every passenger-carrying automobile, every passenger-carrying station wagon, and every automobile truck, used for hire, shall carry license plates on which the letter "P" (for public) appears in bold type. This letter shall be in addition to the usual inscription appearing on such license plates.

Section 371. Operator's license required

- (a) Except as provided in this chapter, no person shall operate a motor vehicle upon the public highways without an operator's license issued by the Commissioner of Public Safety.
- (b) The licensee shall have such license in his immediate possession at all times when operating a motor vehicle and shall display the license upon demand of any peace officer or other person authorized by the Commissioner of Public Safety. It shall be a defense to any charge under this subsection if the person so charged produces in court an operator's license theretofore issued to such person and valid at the time of his arrest.

Section 372. Learners' permits

Under conditions established by the Commissioner of Public Safety, learners' permits may be issued which authorize the applicant to operate a motor vehicle in areas designated by the Commissioner when accompanied by a licensed operator who shall be responsible for the proper operation of the vehicle.

Section 373. Application for operator's license; issuance; duration; duplicates

- (a) An application for an operator's license shall be made upon a form furnished by the Commissioner of Public Safety and shall contain such information as he prescribes. It shall be accompanied by the fees required by law.
- (b) If the Commissioner finds that the applicant is qualified under this title, he shall issue an operator's license.
- (c) All operators' licenses shall be issued for a calendar year or the unexpired portion thereof.

- (d) In case of loss or destruction, duplicate operators' licenses may be issued by the Commissioner upon payment of the fees prescribed by law.

Section 374. Age requirements

No person under 18 years of age shall be granted a license to operate a motor vehicle, and no owner shall permit his motor vehicle to be operated by any person under 18 years of age, except that -

- (1) licenses may be granted to persons 13 or more years of age to operate vehicles known as motor scooters; and
- (2) learners' permits may be granted to persons 16 or more years of age.

Section 375. Qualifications of operators

- (a) Before issuing an operator's license, the Commissioner of Public Safety may require such proof as he deems necessary that an applicant is physically and mentally fit to operate a motor vehicle. Whenever the Commissioner has reason to believe that the holder of an operator's license is physically or mentally unfit to operate a motor vehicle, he may require the licensee to submit proof to his fitness and he may revoke the license as provided in section 548 of this title if such proof is not furnished.
- (b) Before obtaining his first operator's license, an applicant shall undergo a thorough examination before a competent examiner appointed by the Commissioner to test his practical knowledge of and ability to drive a motor vehicle, and his knowledge of the laws and regulations applicable to the operation of motor vehicles.
- (c) No operator's license shall be issued unless the Commissioner is satisfied that the applicant is competent to operate a motor vehicle.

Section 376. Foreign operator's licenses

- (a) If a person holds a bona fide unexpired operator's license issued by a State of the United States or a foreign country, the Commissioner of Public Safety shall issue a temporary permit to drive for a period not exceeding 90 days upon payment of the fee prescribed by law, without other proof of ability to drive. The Commissioner or an officer designated by him shall instruct such person briefly on the essential traffic regulations.
- (b) In his discretion, the Commissioner may grant a Virgin Islands operator's license to an applicant who holds a bona fide unexpired operator's license issued by a State of the United States or a foreign country without the test of driving ability prescribed by subsection (b) of section 375 of this title.

Section 401. Registration and licenses; operators' badges

- (a) No person shall operate an automobile for hire until he has complied with chapters 33 and 35 of this title, and has obtained an operator's badge from the Commissioner of Public Safety.
- (b) Operators' badges shall be of the type provided by the Commissioner and shall be purchased from him by the applicant. They shall be valid only during the calendar year marked thereon, and, as far as practicable, the same numbered badges shall be issued operators in succeeding years.

- (c) The badge shall show the number of the operator's license and shall be conspicuously worn by the operator at all times while operating or in charge of the automobile. Operators' badges shall not be transferred.

Section 402. Operation of automobiles for hire

- (a) Operators of automobiles for hire shall be decently attired and shall be polite to passengers.
- (b) Automobiles operated for hire shall be maintained in a clean condition.
- (c) Articles mislaid by passengers in automobiles for hire shall be given to the passengers or turned in to the office of the Commissioner of Public Safety by the operators as soon as possible.
- (d) In a conspicuous place in the front of every automobile for hire shall be posted a sign two (2) inches deep and five (5) inches wide, with the word "Taxi" in white letters on black background.
- (e) Operators of automobiles for hire while on duty shall not smoke in such automobiles and shall not sit in the seats provided for passengers, or permit others who are not passengers to do so.
- (f) Upon tender of cash fare, operators of automobiles for hire while on duty on the public streets shall accept all public hire jobs which are offered to them and shall not discriminate against any prospective passenger. Operators may refuse to accept as a passenger any person in an intoxicated state.
- (g) Whoever violates this section shall be fined not more than \$5.

Section 403. Number of passengers

- (a) In automobiles operated for hire no person shall be carried without the consent of the person engaging the automobile.
 - (b) No motor bus, truck, or commercial carrying passenger vehicle shall carry any passenger in excess of its capacity. The carrying capacity of all such vehicles shall be determined by the Commissioner of Public Safety and shall be conspicuously marked within and without the vehicle.
- If the owner of any vehicle is dissatisfied as to the number permitted to be carried as determined by the Commissioner under this subsection, he may appeal to the municipal court.

Section 461. Inspection

- (a) Before issuing a registration license to the owner of any motor vehicle, the Commissioner of Public Safety shall see that it is in satisfactory condition to insure safety on the public highways, and that its equipment is in full compliance with the requirements of this title. At any time that it is deemed necessary, the Commissioner may examine and inspect any motor vehicle to insure safety on the public highways, and may order the owner or operator to make necessary repairs.
- (b) The Commissioner of Public Safety shall prohibit the operation of all motor vehicles considered unsafe, and shall order the owners to remove motor vehicles in unserviceable condition which have been left on the public highways for over 10 days in this condition.
- (c) Whenever requested by the Commissioner of Public Safety, the Department of Public Works shall inspect or remove motor vehicles.

Section 462. Brakes

Every motor vehicle using the public highways shall be equipped with brakes

in good working order, capable of stopping the vehicle within 20 feet when it is traveling 15 miles an hour, and capable of controlling the vehicle at all times when it is in use.

Section 463. Lights

- (a) Every automobile operated within the time from one-half hour after sunset to one-half hour before sunrise shall display at least two white lights and every motorcycle one white light, visible at least two hundred and fifty feet in front of such vehicle. The use of dazzling lights in well-lighted streets of public highways is prohibited. On dark streets or roads, every operator, upon approaching another motor vehicle travelling in the opposite direction, shall dim his lights or lower the beam. Every motor vehicle shall have also a red light visible in the reverse direction. The rear number plate shall be so lighted as to be visible at night.
- (b) Spot lights shall not be used on moving vehicles for any other purpose than locating the left side of the road not more than 30 feet immediately ahead of the motor vehicle to which attached.
- (c) Trucks drawing a trailer shall have front lights, and a rear light on the rear of the trailer, which shall clearly show its number. Trucks drawing two trailers shall have front and rear lights, and in addition thereto a lighted lantern on the last trailer.
- (d) All trucks and trailers shall have two reflectors not less than three inches in diameter attached to the right side of the vehicle, a green one in the front and a red one in the rear placed as high as the structure of the vehicle will permit.

Section 464. Horns and mufflers

- (a) Every motor vehicle shall be equipped with a horn or other instrument capable of giving audible and sufficient warning of its approach. No warning device on a private motor vehicle shall be a siren or simulate the sound of a siren. Warning devices shall be used to warn traffic, but all unnecessary use of such devices is prohibited, and they shall not be sounded between midnight and daybreak except in case of emergency.
- (b) Each motor vehicle shall be equipped with a muffler, and the use of a muffler cut-out, the unnecessary racing of engines, the making of unreasonable noise or permitting the escape of an unreasonable amount of smoke in the town limits is prohibited.

Section 491. Police Regulations; special traffic regulations

- (a) In addition to the provisions of this chapter, operators of motor vehicles shall observe the general traffic regulations contained in the Police Regulations set out in Title 23, and such special traffic regulations as may from time to time be published by the Commissioner of Public Safety.
- (b) Motor vehicles shall stop or proceed immediately when so ordered by members of the police force.

Section 492. Reckless driving

- (a) Reckless driving is prohibited. Reckless driving consists of driving or using any motor vehicle or motorcycle or any appliance or accessory thereof in a manner which unreasonably interferes with the free and

CONTINUED

1 OF 2

proper use of the public highways, or unreasonably endangers users of the public highway.

- (b) Without limiting the scope of subsection (a) of this section, the following are prohibited -
- (1) driving on the sidewalk;
 - (2) racing in motor vehicles on the public highways; and
 - (3) operation of a motor vehicle without at least one hand on the steering wheel.

Section 493. Driving while intoxicated or disabled

No person shall operate a motor vehicle while under the influence of intoxicating liquor or a narcotic or habit-producing drug or while disabled, and no person shall permit another person who is under such influence or in such condition to operate a motor vehicle owned by him or in his custody or control.

Section 494. Speed limits

- (a) Every person operating a motor vehicle upon a public street or highway shall drive such vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person.
- (b) The rate of speed for motorcars, pick-up trucks, or motorcycles shall not exceed 20 miles per hour within the town limits or 35 miles per hour on all public highways outside the town limits, except on Centerline road west of King's Hill in St. Croix, where the rate of speed shall not exceed 40 miles per hour.
- (c) The rate of speed for motor trucks or busses shall not exceed 10 miles per hour within the town limits or 30 miles per hour on the public highways.
- (d) Traveling for a distance of a quarter of a mile above the prescribed speed limits shall be presumptive evidence of driving at a rate of speed which is not careful and prudent.
- (e) The Commissioner of Public Safety, with the approval of the Governor, may reduce the speed limits fixed in this section when in his opinion such action is necessary for the public safety.

Section 495. Meeting; passing; turning; signals

- (a) Vehicles meeting one another shall keep as far to the left as practicable. When a vehicle overtakes another, it shall pass it on the right side. It shall be unlawful to overtake and pass another motor vehicle on a curve, at the intersection of another road or when approaching the top of a hill. No motor vehicle shall overtake and pass another one unless the road ahead is clear of other vehicles, pedestrians or any other traffic, for a reasonable distance of approximately 200 feet.
- (b) Before entering or crossing main roads beyond the town limits, every driver shall bring his motor vehicle to a full stop, change to low gear, sound the warning device, and then proceed with due caution. Traffic on main streets or main roads shall have the right of way. When approaching any cross road or curve, every driver shall exercise due caution, sound the warning device, and reduce the speed of the motor vehicle.
- (c) On turning to the left into another road, the driver of a motor

- vehicle shall keep as close to the left as safety permits; on turning to the right into another road, he shall pass, when possible, to the left of the center point of intersection of the roads before turning.
- (d) Every driver of a motor vehicle shall indicate his intention of starting, stopping, turning, or backing by signals prescribed by the Commissioner of Public Safety.
 - (e) In St. Croix, the streets running east and west in Christiansted, and those running north and south in Frederiksted; the Centerline road, and the North and Southside roads, are the main streets and the main roads for the purpose of this section.

Section 496. Motor vehicles meeting animals

Every person operating a motor vehicle shall, on a signal by a person riding, leading, or driving horses or other draught animals, bring the motor vehicle to a stop, and if traveling in the opposite direction, remain stationary as long as may be reasonable to allow such animals to pass. If traveling in the same direction the driver of the motor vehicle shall use reasonable caution. If such animals appear to be badly frightened, the person operating the motor vehicle, when signalled or requested to do so, shall cause the motor of the vehicle to cease running for so long a time as shall be reasonable to prevent accident, and to insure the safety of those concerned.

Section 497. Parking

- (a) Before leaving a motor vehicle, the driver shall stop the motor and put on the brake.
- (b) A vehicle shall be considered parked when the vehicle and its motor have been stopped and the driver has left the vehicle.
- (c) No motor vehicle shall be parked within ten (10) feet of any fire hydrant, or less than 25 feet from any corner.
- (d) Motor vehicles shall not be stopped where they impede traffic, and they shall be parked only in places and in the manner designated by the Commissioner of Public Safety. No automobile shall be stopped on a public street or highway nearer than three (3) feet to any automobile already stopped in front or rear of it.

Section 498. Number of passengers; riding outside vehicle

- (a) An automobile may carry only one passenger in excess of its registered capacity, except in the case of infants.
- (b) No person shall ride on the fenders, runningboard, any exterior fitting, or on the outside of motor vehicles, busses or trucks or hang on the sides thereof. The driver of any such vehicle shall be held guilty as an accessory if he permits such conduct. This subsection does not apply to a mechanic engaged in testing the vehicle or to a policeman.

Section 499. Trimming trees and brush

In the interest of public safety, the Commissioner of Public Safety may trim trees and clear away brush which obstruct the view of the road.

Section 500. Load limits

- (a) The over-all measurement of the bodies of all motor vehicles, including all extentions, shall not exceed 7 feet in width, and no load shall extend beyond the body width.

Some Specific Sections of the Virgin Islands Code

Page 93

- (b) Any load extending more than 5 feet beyond the front or rear of the body length shall be provided with a red flag on the extension in the daytime, and a red light at night.
- (c) Motor vehicles shall not be loaded vertically in excess of 5 feet from the floor of the vehicle, and shall be equipped with side rails or other device which will properly secure the load.
- (d) The Commissioner of Public Safety may make exceptions to the requirements of this section when warranted by extraordinary circumstances.

Section 501. Heavy equipment:

- (a) No person, whether as principal or agent, shall drive or in any other way cause to pass over any macadamized or concrete-surfaced street or road any road-building or other heavy equipment which may cause the ripping up of or other injury, save usual wear and tear, to such street or road without first placing such equipment on a trailer or truck equipped with pneumatic tires to prevent such equipment from making damaging contact with such street or road.
- (b) Tractors shall traverse the public roads only at such speed and in such manner as shall not damage the road, and shall not haul any equipment upon the public roads except as herein specifically provided for. Agricultural and other equipment shall not be towed or hauled on the public roads unless it is loaded on a truck, trailer or other conveyance of such character as will not damage the roads, except that tractors towing agricultural machinery may directly cross the public road and trenches from one side to the other but shall make no turns on the roadways or within that six foot area inside of the trenches, the use of which is restricted to preserve the roads and within which no trees shall be felled.
- (c) The Commissioner of Public Works, whenever he is satisfied that a case of sufficient urgency requires and justifies it, may grant permission to persons or others to do without resulting liability the acts prohibited by this section, but in no case may anyone be excused from such liability for violations committed without the prior permission of the Commissioner of Public Works.
- (d) This section does not apply to the necessary operation or transfer of equipment of the Department of Public Works.
- (e) All damages done to a public road by tractors or other equipment shall be repaired at the expense of the owner thereof and payments therefor shall be covered into the General Fund of the treasury of the Virgin Islands.
- (f) Whoever violates this section shall be fined not more than \$500.

Section 502. Crews of trucks; liability of chauffeur

- (a) All loaded trucks shall have a crew of at least two men, namely, a chauffeur, and an assistant who shall be on the rear of the truck, facing at all times in the opposite direction to which the truck is going, to keep a sharp lookout and immediately signal the chauffeur whenever a vehicle is approaching.
- (b) In the case of a truck drawing one trailer, there shall be a crew of two men, namely, a chauffeur, and an assistant on the trailer, whose duties shall be those prescribed for an assistant in subsection (a) of this section.

- (c) In the case of a truck drawing two trailers, there shall be a crew of three men, namely, a chauffeur and two assistants, one on each trailer, whose duties shall be those prescribed for an assistant in subsection (a) of this section.
- (d) The chauffeur of a truck shall at all times exercise a greater degree of care and caution than is ordinarily required of the driver of an automobile. The chauffeur shall be held responsible for violations of this part or regulations promulgated pursuant thereto.
- (e) No truck shall at any time draw more than two trailers.

Section 541. Accidents

In case of accident to person or property due to the operation of a motor vehicle or bicycle, the person operating such vehicle shall stop and give his name and address and license number to the person injured, or to any policeman or other person interested, and if he is not the owner of the vehicle, also the name and address of such owner. He shall also report the details of such accident at the nearest police station. In case of personal injury, the motor vehicle causing such injury shall take the injured person or persons to the hospital, if desired, or the residence of such injured person.

Section 542. Lien for damages to person or property

Any person who is injured by a motor vehicle or whose property is damaged thereby shall have a lien against such motor vehicle for his claim of damages, if he records such lien with the Commissioner of Public Safety within a period of 8 days from the date of injury or damage if he commences an action against the owner of the motor vehicle in a court of competent jurisdiction within a period of 30 days from the date of injury or damage. The transfer of the property in the motor vehicle during such period shall not divest the injured or damaged person of his right of lien thereon.

Section 543. Service of process on nonresidents and absent residents

- (a) Any nonresident who operates a motor vehicle in the Virgin Islands, and any nonresident who owns a motor vehicle which is operated in the Virgin Islands with his express or implied consent, shall be deemed to have appointed the Government Secretary of the Virgin Islands as his agent upon whom may be served the process in any action against him arising out of any accident or collision occurring within the Virgin Islands in which the motor vehicle is involved while being so operated. Such operation shall be a signification of the agreement by such nonresident that any process so served shall be of the same force and validity as if served upon him personally within the Virgin Islands.
Such nonresident shall also be deemed to have agreed that such appointment shall be irrevocable and binding upon his executor or administrator. If the nonresident dies prior to the commencement of an action under this section, service of process shall be made on his executor or administrator in the same manner as that provided by this section for service upon the nonresident.
- (b) Service of process under this section shall be made upon the Government Secretary in the same manner as in civil actions generally, accompanied by a fee of \$2, and when so made, such service shall be as effectual to all intents and purposes as if made personally upon the defendant

in the Virgin Islands; provided, that not later than the day following the commencement of the action, a copy of the process, and notice that service of the original process has or soon will be made upon the Government Secretary, shall be sent by the plaintiff or his attorney to the defendant by registered mail with return receipt requested. The defendant's return receipt and the affidavit by plaintiff or his attorney that this section has been complied with shall be filed in the action within 10 days after the plaintiff receives the defendant's return receipt. If the notice and copy of the process are not received by the defendant, the court may order such additional notice, if any, as justice may require. The court may order such continuance as may be necessary to afford the defendant reasonable opportunity to defend the action.

- (c) The provisions of this section shall also apply to a resident who is absent from the Virgin Islands at the time of the accident or who departs from the Virgin Islands after the accident, and who remains absent therefrom continuously for a period of 30 days after the accident, whether such absence is intended to be temporary or permanent.
- (d) This section is an extension of, and not a limitation upon, any right otherwise existing to serve process by attachment or publication or otherwise.

Section 544. Penalties

- (a) Whoever violates any provision of section 492 of this title, concerning reckless driving, shall be fined not more than \$200 or imprisoned not more than one year, or both.
- (b) Whoever violates any provision of section 493 of this title, concerning driving while intoxicated or disabled, shall be fined not more than \$200 or imprisoned not more than one year, or both.
- (c) Unless such act is punishable under section 1382 of Title 14, whoever violates any provision of section 541 of this title, concerning accidents, shall be fined not more than \$200 or imprisoned not more than 1 year, or both.
- (d) Unless another penalty is specifically provided, whoever violates any provision of this part, or any law or regulation relating to the operation and use of motor vehicles, shall be fined not more than \$100 or imprisoned not more than six months, or both.
- (e) None of the provisions of this part shall be construed as preventing conviction and punishment under any other provision of law.

Section 545. Notice to Commissioner of convictions

Except in the case of parking offenses, the court shall send a record of the conviction of any offense relating to the operation or use of motor vehicles to the Commissioner of Public Safety of the Virgin Islands and to the Commissioner of Motor Vehicles of the State where the defendant received his operator's license, to become a part of his driving record.

Section 546. Revocation of operator's license by court

In addition to any other penalties, the court in its discretion may revoke the operator's license of any person convicted of an offense involving the operation or use of motor vehicles, except parking offenses. Such revocation may be either permanent or temporary for a period fixed by the court.

Section 547. Refusal of operator's license by Commissioner

- (a) The Commissioner of Public Safety shall keep a driving record for each holder of an operator's license containing the record of convictions transmitted to him under section 545 of this title.
- (b) The Commissioner may refuse to issue an operator's license to any person on the basis of his convictions of offenses relating to the operation or use of motor vehicles during the preceding year.

Section 548. Revocation or suspension of licenses by Commissioner

- (a) The Commissioner of Public Safety may revoke or suspend any operator's license if he finds that the application therefor contained any false statement or that the holder thereof is physically or mentally unfit to operate a motor vehicle.
- (b) The Commissioner of Public Safety may revoke or suspend any registration license and license plates if he finds that the application therefor contained any false statement or that the motor vehicle is in an unsafe condition or is not equipped as required by chapter 41 of this title.

Section 549. Hearing and review of Commissioner's decisions

Before refusing to issue a license under section 541 of this title, and before revoking or suspending a license under section 548 of this title, the Commissioner of Public Safety shall grant a hearing to the person concerned. Any action of the Commissioner under such sections shall be subject to review by the municipal court.

Section 550. Disposition of fines

All fines collected under the provisions of this part shall be covered into the General Fund of the treasury of the Virgin Islands.

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