

ACT NO. 7744

BILL NO. 31-0011

THIRTY-FIRST LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2015

An Act amending the Virgin Islands Code title 5, part VI adding chapter 101 establishing Judicial procedures for stalking victims and repealing and reenacting title 14, section 2071 redefining terms relating to the crime of stalking

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Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 5 Virgin Islands Code, part VI is amended by adding chapter 101 to read as follows:

“CHAPTER 101 CIVIL PROCEDURE FOR VICTIMS OF STALKING

§1471. Short title and declaration of purpose

- (a) This chapter may be cited as “The Virgin Islands Civil Procedure for Victims of Stalking Act” and its general purposes are to:
- (1) Assure that victims of stalking are granted the maximum protection from abuse that the law can provide;
 - (2) Create a flexible and speedy remedy to discourage violence and harassment against individuals who are not related to the alleged perpetrator or others with whom the perpetrator has continuing contact;
 - (3) Expand the ability of the Virgin Islands Police Department and law enforcement officers to assist victims, to enforce the law effectively in cases of stalking, and to prevent further incidents of abuse;
 - (4) Develop a greater understanding within the Virgin Islands community of the incidences and causes of stalking;
 - (5) Facilitate equal enforcement of the criminal laws of the Territory by deterring and punishing violence against individuals who are not personally involved with the offenders; and

(6) Recognize that stalking is a serious crime that adversely affects its victims and which will no longer be excused or tolerated.

(b) This chapter must be liberally construed to protect all victims of stalking and to ensure that they receive equal access to judicial protection.

§1472. Definitions

As used in this chapter.

(1) 'Stalking' means purposely and repeatedly following another person and engaging in a course of conduct or making a credible threat with the intent of annoying or placing that person in reasonable fear of death or bodily harm or injury and causing emotional distress.

(2) 'Credible threat' means an explicit or implicit threat made with the intent and the apparent ability to carry out the threat, so as to cause the targeted person to reasonably fear for personal safety or the safety of a family member.

(3) 'Course of conduct' means an act that happens more than once, however brief, within a year, directed at a specific person, evidencing a continuity of purpose which would cause a reasonable person to suffer substantial emotional distress; which includes but is not limited to the stalker's directly or indirectly, by any action, method or device, following, monitoring, observing, pursuing, threatening, or communicating to, or about a person, or interfering with a person's property.

(4) 'Harassment' means engaging in a knowing and intentional course of conduct directed at a specific person which alarms annoys torments or terrorizes the person and would cause a reasonable person to suffer emotional distress.

(5) 'cyberstalk' means to communicate, or to cause to be communicated, words, images, or language through the use of electronic mail or electronic communication directed to a specific person which serves no legitimate purpose, but causes that person substantial emotional distress.

§1473. Procedural requirements

(a) An adult person who is a victim of stalking may seek relief under this chapter by filing with the Magistrate Division of the Superior Court a verified petition on a form provided by the court w. A verified petition must allege sufficient facts to establish the following:

- (1) The name of the stalking victim;
- (2) The name or physical description of the alleged perpetrator;
- (3) The dates on which the alleged stalking behavior occurred; and
- (4) The acts that the victim alleges constitute stalking.

(b) A minor who is a stalking victim may have a parent, guardian, or adult residing with the minor file a verified petition on the minor's behalf, as prescribed in subsection (a).

(c) Service of process upon the alleged perpetrator must be by personal service.

(d) The victim's address and telephone number must remain confidential and may be disclosed only to authorized court or law enforcement personnel.

§1474. Hearing, temporary orders

(a) Prior to a hearing, upon good cause shown, the court on motion of a party may enter such temporary relief orders as it considers necessary.

(b) No later than 10 days after the petition is filed under section 1473, a hearing must be held at which the parties shall have an opportunity to present evidence and testimony. The parties shall have the right to representation by counsel.

(c) If a hearing held pursuant to subsection (b) is continued, the court may extend any temporary orders issued pursuant to subsection (a).

§1475. Orders, duration of orders and costs

(a) The Superior Court may issue a protection from stalking order granting any or all of the following relief:

(1) Restraining the defendant or anyone acting on behalf of the defendant from following, harassing by personal, telephonic, or computerized contact, or by any other form of communication with the victim.

(2) Restraining the defendant or anyone acting on behalf of the defendant from abusing, molesting, or interfering with the privacy rights of the victim.

(3) Restraining the defendant or anyone acting on behalf of the defendant from entering upon the victim's property, residence, or place of employment, or within fifty feet thereof.

(4) Providing any further relief that the court considers necessary based on the facts of the case.

(b) All protection from stalking orders must contain language stating that if the order is violated the violation may constitute stalking pursuant to 14 V.I.C. §2072 and must remain in effect for a period not to exceed two year or until amended, modified or dismissed by the court.

(c) Upon motion of the plaintiff demonstrating good cause, the court may extend the order for an additional year.

(d) The court may amend its order at any time upon motion filed by either party.

(e) The court shall assess costs against the defendant and may award attorney fees and monetary compensation to the victim for injuries during the incident to the victim in any case in which the court issues a protection from stalking order pursuant to this chapter. The court may award attorney fees to the defendant in any case in which the court finds that the petition to seek relief was frivolous.

(f) Service of process upon alleged perpetrator must be by personal service.

§1476. Notice of Protection Orders. A copy of all protection from stalking orders issued pursuant to this chapter must be served upon the parties, and copies provided to the Virgin Islands Police Department.”

SECTION 2. Title 14 Virgin Islands Code, chapter 104, §2071 is repealed and reenacted with amendments that read as follows:

“§2071 Definitions

As used in this chapter:

(a) ‘Stalking’ means purposely and repeatedly following another person and engaging in a course of conduct or making a credible threat with the intent of annoying or placing that person in reasonable fear of death or bodily harm or injury and causing emotional distress.

(b) ‘Credible threat’ means an explicit or implicit threat made with the intent and the apparent ability to carry out the threat, so as to cause the targeted person to reasonably fear for personal safety or the safety of a family member.

(c) ‘Course of conduct’ means an act that happens more than once, however brief, within a year, directed at a specific person, evidencing a continuity of purpose which would cause a reasonable person to suffer substantial emotional distress; which includes but is not limited to the stalker’s directly or indirectly, by any action, method or device, follows, monitoring, observing, pursuing, threatening or communicating to or about a person or interfering with a person’s property.

(d) ‘Harassment’ means engaging in a knowing and intentional course of conduct directed at a specific person which alarms annoys torments or terrorizes the person and would cause a reasonable person to suffer emotional distress.

(e) ‘cyberstalk’ means to communicate, or to cause to be communicated, words, images, or language through the use of electronic mail or electronic communication directed to a specific person which serves no legitimate purpose, but causes that person substantial emotional distress.”

Thus passed by the Legislature of the Virgin Islands on July 30, 2015.

31st Witness our Hands and Seal of the Legislature of the Virgin Islands this Day of July, AD., 2015.



Neville James
Neville James
President

Myron D. Jackson
Myron D. Jackson
Legislative Secretary



Bill No. 31-0011 is hereby approved.

**Witness my hand and the Seal of the
Government of the United States
Virgin Islands at Charlotte Amalie,
St. Thomas, this 18th day of August 2015, A.D.**

Kenneth E. Mapp
Kenneth E. Mapp
Governor