

BILL NO. 30-0062

Thirtieth Legislature of the Virgin Islands

April 5, 2013

An Act amending title 14, chapter 113 of the Virgin Islands Code by prohibiting any person convicted of a violent felony from possessing body armor

PROPOSED BY: Senator Sammuell Sanes

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 14, chapter 113 of the Virgin Islands Code is amended by adding a new section § 2258 to read as follows:

“§ 2258. Proscription on possession of body armor by persons convicted of a violent felony

(a) As used in this section:

(1) ‘Body armor’ means any bullet-resistant material intended to provide ballistic and trauma protection for the person wearing the body armor.

(2) ‘Crime of violence’ means:

(A) a felony offense that has as an ‘element the use, attempted use, or threatened use of physical force against the person or property of another’, or

1 (B) any other offense that is a felony and that, by its nature, involves a
2 substantial risk that physical force against the person or property of another may
3 be used in the course of committing the offense.

4 (3) ‘Employer’ means any individual other than a person accused of violating
5 this section who is employed by the accused’s business and oversees the accused’s
6 activity. If the person accused has no supervisor, any other employee of the business
7 may provide certification as an employer.

8 (b) It shall be unlawful for any person who has been convicted of a crime of violence,
9 as defined in this section, under the laws of the United States, the Virgin Islands or any other
10 state, territory, government or county, to purchase, own, or possess body armor.

11 (c) Any person who has been convicted of a crime of violence, as defined in this
12 section, under the laws of the United States, the Virgin Islands or any other state, territory,
13 government or county, who purchases, owns, or possesses body armor is guilty of a felony
14 punishable by imprisonment for not more than 3 years.

15 (d) It shall be an affirmative defense under this section that:

16 (1) the person accused obtained prior written certification from his employer
17 that his purchase, use or possession of body armor was necessary for the safe
18 performance of lawful business activity; and

19 (2) the use and possession by the person accused were limited to the course of
20 such performance.”

21 **BILL SUMMARY**

22 This bill amends title 14, chapter 113 of the Virgin Islands Code by prohibiting any
23 person convicted of a violent felony from possessing body armor.
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