

COMMITTEE ON HOMELAND SECURITY,
JUSTICE AND PUBLIC SAFETY

05/08/15-HELD IN COMMITTEE
04/24/2015-HELD IN COMMITTEE

BILL NO. 31-0027

Thirty-first Legislature of the Virgin Islands

February 17, 2015

An Act amending title 14, chapter 113 of the Virgin Islands Code by defining the term assault rifle, specifically criminalizing the unlicensed possession of an assault rifle, and eliminating the possibility for probation or parole for the unauthorized possession or use of an unlicensed weapon; amending title 23, chapter 5, section 451 by including a definition of assault rifle; and amending title 5, subtitle 3, part I, chapter 313, section 3711 by prohibiting discretionary sentencing for crimes involving the use or possession of an unlicensed weapon

PROPOSED BY: Senator Sammuel Sanes

1 ***Be it enacted by the Legislature of the Virgin Islands:***

2 **WHEREAS**, the Legislature of the United States Virgin Islands (the
3 “Legislature”) is cognizant of the proliferation of crimes involving the use of unlicensed
4 firearms; and

5 **WHEREAS**, the Legislature intends to prohibit discretionary sentencing for
6 crimes involving the use or possession of an unlicensed weapon; Now, Therefore,

7 ***Be it enacted by the Legislature of the Virgin Islands:***

8 **SECTION 1.** Title 14, chapter 113 of the Virgin Islands Code is amended in the
9 following instances:

1 (a) In Section 2253(b), by inserting the words, “assault rifle” after the words
2 “machine gun” wherever the term appears.

3 (b) In Section 2253(d), by adding a subsection (10) to read as follows:

4 “(10) ‘Assault Rifle’ means a selective-fire rifle that uses an intermediate
5 cartridge, including, but not limited, to the following characteristics:

6 (A) It must be an individual weapon with provision to fire from
7 the shoulder (i.e. a buttstock); and

8 (B) It must be capable of selective fire; and

9 (C) It must have an intermediate-power cartridge – more power
10 than a pistol but less than a standard rifle or battle rifle; and

11 (D) Its ammunition must be supplied from a detachable
12 magazine.”

13 (c) By striking Section 2254(b) in its entirety and replacing it by the following
14 language:

15 “(b) A person convicted pursuant to section 2251 or 2253(a), (b), or (e)
16 or of this chapter, is not eligible for suspended, deferred, or withheld sentencing
17 or adjudication, nor shall such person be eligible for probation, parole, or other
18 form of release, notwithstanding the provisions of title 5, section 3711, prior to
19 serving the mandatory minimum term of imprisonment prescribed.”

20 **SECTION2.** Title 23, chapter 5, section 451 of the Virgin Islands Code is
21 amended by adding a new subsection (k) to read as follows:

22 “(k) ‘Assault rifle’ means a selective-fire rifle that uses an intermediate
23 cartridge, including, but not limited, to the following characteristics:

24 (1) It must be an individual weapon with provision to fire from
25 the shoulder (i.e. a buttstock); and

1 (2) It must be capable of selective fire; and

2 (3) It must have an intermediate-power cartridge – more power
3 than a pistol but less than a standard rifle or battle rifle; and

4 (4) Its ammunition must be supplied from a detachable
5 magazine.”

6 **SECTION 3.** Title 5, subtitle 3, part I, chapter 313, section 3711 of the Virgin
7 Islands Code is amended in the following instances:

8 (a) In subsection (a):

9 (1) By inserting in the first sentence, after the word “imprisonment”,
10 the words “and not involving the use of an unlicensed firearm,”;

11 (2) By inserting at the end of the first sentence, the words “, except
12 that under no circumstance may the court suspend, withhold or defer the
13 imposition or execution of a sentence where a person was convicted pursuant to
14 title 14, section 2251 or 2253 (a), (b), or (e); and

15 (3) By inserting in the second sentence, after the word “imprisonment”
16 the words “excluding the sentence of a person convicted pursuant to title 14,
17 section 2251 or 2253 (a), (b), or (e)”.

18 (b) In subsection (b):

19 (1) By redesignating the existing language as subsection (b)(1);

20 (2) By adding a new subsection (b)(2) to read as follows:

21 “(2) If a defendant placed on probation after conviction of any
22 offense under the laws of the Virgin Islands is convicted of a crime
23 involving the use of an unlicensed weapon while on probation, the court
24 shall forthwith revoke the probation, rescind the order suspending
25 execution of the underlying sentence and direct the incarceration of such

defendant for the full term of such sentence pursuant to title 14, sections
2251 through 2256, without credit for time spent on probation.”

BILL SUMMARY

Section 1 of this Bill amends title 14, chapter 113 of the Virgin Islands Code by
defining the term assault rifle, specifically criminalizing the unlicensed possession of an
assault rifle, and eliminating the possibility for probation or parole for the unauthorized
possession or use of an unlicensed weapon. Section 2 amends title 23, chapter 5, section
451 of the Virgin Islands Code by including a definition of assault rifle. Section 3
amends title 5, subtitle 3, part I, chapter 313, section 3711 of the Virgin Islands Code by
prohibiting discretionary sentencing for crimes involving the use or possession of an
unlicensed weapon.

BR15-0255/January 30, 2015/