

COMMITTEE ON HOMELAND SECURITY,
JUSTICE, AND PUBLIC SAFETY

3/26/2018-AMENDED AND REPORTED OUT TO THE COMMITTEE ON RULES AND JUDICIARY
02/2/2018-HELD IN COMMITTEE

BILL NO. 32-0127

Thirty-Second Legislature of the Virgin Islands

July 18, 2017

An Act amending title 14 Virgin Islands Code, chapter 60, section 1191 relating to
strengthen the loitering law and increasing the penalty for loitering

PROPOSED BY: Senator Novelle E. Francis, Jr.
Co-sponsor: Brian A. Smith

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 14 Virgin Islands Code, chapter 60, amended by striking the
existing section 1191 and inserting a new section 1191 in its stead;

“§ 1191 Loitering defined; punishment

(a) A person commits the crime of loitering when the person:

(1) lingers, remains or prowls in a public place for the purpose of
gambling with cards, dice or other gambling paraphernalia;

(2) lingers, remains or prowls in or about school grounds or college or
university buildings or grounds, remains in or enters a school bus as defined in 20
V.I.C. § 377(a), not having any reason or relationship involving custody or

1 responsibility for a student or any other legitimate reason for being there and not
2 having written permission from anyone authorized to grant permission;

3 (3) lingers or remains in a public place for engaging or soliciting another
4 to engage in prostitution;

5 (4) lingers or remains in a public place for the purpose of unlawfully
6 using or possessing a controlled substance;

7 (5) lingers or remains in a public place for the purpose of unlawfully
8 buying, distributing or consuming an alcoholic beverage; or

9 (6) lingers or remains in or about any public building or facility,
10 including a local or federal government building, place of business or worship,
11 transport facility, hotel or guest house without apparent, legitimate purpose or
12 business therein and in so doing obstructs or interferes with the legitimate business
13 of another person or intentionally annoys or harasses such other person.

14 (b) Among the factors to be considered in determining if a person is loitering
15 are if that person:

16 (1) takes flight upon the appearance of a law enforcement officer;

17 (2) refuses to identify himself; or

18 (3) manifestly endeavors to disguise or conceal himself or any object.

19 (c) Unless the suspect has fled or another circumstance makes it impracticable,
20 prior to an arrest for loitering a law enforcement officer shall give the suspect the
21 opportunity to identify himself and explain his presence and conduct.

22 (d) It is a defense to prosecution for loitering as defined by subsection (a) if:

23 (1) The law enforcement officer fails to give the defendant an
24 opportunity to identify himself and explain his presence and conduct; or

1 (2) It appears at trial that the explanation offered to the law enforcement
2 officer by the defendant is true and if believed at the time would have dispelled any
3 concern or alarm.

4 (e) Loitering is a misdemeanor subject to arrest and is punishable by a fine of
5 not more than \$5,000 or imprisonment of not more than one year or both.”

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7 **BILL SUMMARY**

8 This bill amends Title 14 section 1191 by strengthening the loitering law and
9 increasing the penalty for loitering.

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11 **BR17-0065/May 22, 2017/LHM**

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