

14 V.I.C. § 1723

§ 1723 Court determination; territorial board

(a) Upon conviction of or the acceptance of a plea to any of the offenses set forth in this Chapter, the sentencing court shall certify that the person is a sex offender and in which tier the person will be placed. The sentencing court shall consider a report from the Sex Offender Registry Board, if any, prior to or during such certification and classification. The classification of a sex offender will be based upon the guidelines set forth in this Chapter. The court may include the certification in the order of commitment, if any, and judgment of conviction. The court may also advise the sex offender of his or her duties under this Chapter. Failure to include the certification in the order of commitment or the judgment of conviction shall not relieve a sex offender of the obligations imposed by this Chapter.

(b) A territorial board composed of experts in the field of the behavior and treatment of sexual offenders is hereby established. The board shall consist of five (5) members, including (1) a psychiatrist, psychologist or a M.S.W. social worker; (2) a child therapist; (3) an expert in sex offenders; (4) a victim's rights advocate, and (5) a law enforcement representative, all of whom shall be appointed by the Governor of the Virgin Islands for a term of four years.

(c) The Governor shall designate one of the members of the territorial board as chairman. The chairman shall be the executive and administrative head of the board and shall have the authority and responsibility for directing assignments of the members of the board.

Each member of the board, including the member designated as the chairman, shall serve until the member's term of office expires and a successor is designated in accordance with law, whichever first occurs. However, any member of the Board may be removed for cause. Any member chosen to fill a vacancy occurring otherwise than by expiration of term shall be appointed for the remainder of the unexpired term of the member whom he is to succeed. As long as there are three sitting members, a vacancy shall not impair the right of the remaining members to exercise the powers of the board.

The Attorney General or a designee shall notify and advise the Board of its opportunity to file a report when a conviction or the acceptance of a plea occurs for any of the offenses covered in this chapter. The Attorney General or a designee shall also notify the Board of the time frame within which a pre-sentence report must be submitted to the court. Upon the Board's determination that a report will be submitted, the report shall be submitted to the Office of Probation and Parole prior to sentencing for inclusion with the pre sentencing report.

(d) The territorial board shall meet at least four (4) times per year and whenever the need arises. The board shall have the following powers and duties:

(1) to provide reports to the sentencing court regarding convicted sex offenders;

- (2) to assist the Attorney General in promulgating guidelines for the registering, monitoring, and tracking of sex offenders;
- (3) to review and report to the Attorney General on the types of treatment available to a sex offender while he or she is incarcerated in the territory;
- (4) upon the request of a tier I sex offender for a reduction in the required registration period, to make recommendations to the Attorney General regarding such request which includes a determination on the risk of re-offense and the degree of dangerousness a sex offender poses to the community;
- (5) to make assessments and recommendations to the parole board, prior to release on parole, regarding the risk of re-offense and the degree of dangerousness a sex offender poses to the community;
- (6) Consider the following factors when making a determination on (3) and (4) above:
 - (A) criminal history factors indicative of a high risk of re-offense and degree of dangerousness posed to the public, including:
 - (i) whether the sex offender has a mental abnormality;
 - (ii) whether the sex offender's conduct is characterized by repetitive and compulsive behavior;
 - (iii) whether the sex offender was an adult who committed a sex offense on a child;
 - (iv) the age of the sex offender at the time of the commission of the first sex offense;
 - (v) whether the sex offender has been adjudicated to be a sexually dangerous person or is a person released from civil commitment; and
 - (vi) whether the sex offender served the maximum term of incarceration;
 - (B) other criminal history factors to be considered in determining risk and degree of dangerousness, including:
 - (i) the relationship between the sex offender and the victim;
 - (ii) whether the offense involved the use of a weapon, violence or infliction of bodily injury; and
 - (iii) the number, date and nature of prior offenses.
 - (C) physical conditions that minimize risk of re-offense including, but not limited to, debilitating illness;

(D) whether the sex offender was a juvenile when he committed the offense, his response to treatment and subsequent criminal history;

(E) whether psychological or psychiatric profiles indicate a risk of recidivism;

(F) the sex offender's history of alcohol or substance abuse;

(G) recent threats against persons or expressions of intent to commit additional offenses;

(H) review of any victim impact statement;

(I) review of any materials submitted by the sex offender, his attorney or others on behalf of such offender;

(J) conditions of release that minimize risk of re-offense and degree of dangerousness posed to the public, including whether the sex offender will be under probation or parole supervision, whether such sex offender is receiving counseling, therapy or treatment and whether such sex offender will be residing in a home situation that provides guidance and supervision, including sex offender-specific treatment in a community-based residential program;

(K) the sex offender's participation in sex offender treatment and counseling while incarcerated and his response to such treatment or counseling; and

(L) recent behavior, including behavior while incarcerated or while supervised on probation or parole.

(7) to assist the Attorney General in developing a plan to locate and verify the current addresses of sex offenders;

(8) to assist the Attorney General with disseminating sex offender registry information and educating the community about sex offenders;

(9) to gather up-to-date information and report to the Attorney General concerning any new requirements and trends regarding the registration, tracking and monitoring of sex offenders; and

(10) to provide advice to the Attorney General regarding policies and procedures for the registration, tracking and monitoring of sex offenders.

Credits

-Added Oct. 31, 1997, No. 6182, § 1, Sess. L. 1997, p. 95; amended Aug. 17, 1999, No. 6285, § 3(a), Sess. L. 1999, p. 34; July 18, 2012, No. 7372, § 5(1)-(3), Sess. L. 2012, p. 132-135.

HISTORY

Revision notes.

'Virgin Islands' was substituted for 'United States Virgin Islands' pursuant to the Revised Organic Act of 1954.

Amendments -2012.

Act 7372, § 5(1), rewrote subsection (a).

Act 7372, § 5(2), added subsection (c).

Act 7372, § 5(3), added subsection (d). -1999.

Subsection (a): Deleted 'and determination that a person is no longer a sexually violent predator' preceding 'shall be made by the sentencing court'.

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Current through Act 8146 of the 32nd Legislature

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