

Virgin Islands Code Annotated Currentness

Title 14. Crimes

Chapter 86. Sexual Offender Registration and Community Protection

14 V.I.C. § 1726

§ 1726 Registration forms; contents; transmission of form

(a) The Attorney General shall ensure that the registration forms for sex offenders registering in the United States Virgin Islands meets the requirements of this chapter.

(b) A sex offender who is required to register with this territory pursuant to this chapter shall provide the following information to the Department of Justice in a form provided by the Department of Justice:

(1) Information related to the sex offender's criminal history, which includes:

(i) date of all arrests,

(ii) date of all convictions,

(iii) status of parole, probation, or supervised release,

(iv) registration status, and

(v) any outstanding arrest warrants.

(2) Information related to the sex offender's date of birth, which includes:

(i) actual date of birth, and

(ii) any other date of birth used by the sex offender.

(3) If the sex offender is not already included in the Combined DNA Index System (CODIS), the sex offender shall provide a sample of his or her DNA which shall be forwarded to an appropriate lab for analysis and the resulting DNA profile entered into CODIS.

(4) An original of the following documents of which the Department of Justice shall make a copy:

- (i) all of the sex offender's valid driver's licenses issued by any jurisdiction,
- (ii) any and all government issued identification card issued by any jurisdiction,
- (iii) any passports used by the sex offender, and
- (iv) any and all immigration documents.

(5) The following information related to the sex offender's employment at which the sex offender is considered an employee as defined in this chapter and includes all places where the sex offender is employed in any means including volunteer and unpaid positions:

- (i) the name of the sex offender's employer,
- (ii) the address of the sex offender's employer, and
- (iii) similar information related to any transient or day labor employment.

(6) Finger and palm prints in a digitized format.

(7) Information related to the sex offender's internet related activity, which includes:

- (i) Any and all email addresses used by the sex offender,
- (ii) any and all Instant Message addresses and identifiers,
- (iii) any and all other designations or monikers used for self-identification in internet communications or postings, and
- (iv) any and all designations used by the sex offender for the purpose of routing or self-identification in internet communications or postings including, but not limited to social network identifications, twitter accounts, video posting site identifications such as YouTube etc.

(8) Information related to the sex offender's name, which includes:

- (i) full primary given name,

(ii) any and all nicknames, aliases, and pseudonyms regardless of the context in which it is used, and

(iii) any and all ethnic or tribal names by which the sex offender is commonly known excluding any religious or sacred names not otherwise commonly known.

(9) Information related to the sex offender's telephone numbers, which includes:

(i) any and all land line telephone numbers,

(ii) any and all cellular telephone numbers, and

(iii) any and all Voice over IP (VOIP) telephone numbers.

(10) A current digitized photograph of the sex offender which must be updated according to the following, unless the appearance of a sex offender has not changed significantly:

(i) every 90 days for 'Tier 3' sex offenders,

(ii) every 180 days for 'Tier 2' sex offenders, and

(iii) every year for 'Tier 1' sex offenders.

(11) An accurate description of the sex offender which includes:

(i) a physical description,

(ii) a general description of the sex offender's physical appearance or characteristics, and

(iii) any identifying marks, such as, but not limited to, scars, moles birthmarks or tattoos.

(12) All licenses issued to the sex offender which authorizes the sex offender to engage in an occupation or carry out a trade or business.

(13) Information related to the sex offender's residence, which includes:

(i) the address of each residence at which the sex offender resides or will reside pursuant to the definition of 'reside' or 'resides' provided in this chapter, and

(ii) any location or description that identifies where the sex offender habitually resides regardless of whether it pertains to permanent residence or location otherwise identifiable by a street or address.

(14) Information related to a sex offender's school, which includes:

(i) the address of each school where the sex offender is or will be a student, and

(ii) [sic] the name of each school the sex offender is or will be a student as defined in this chapter.

(15) A valid social security number for the sex offender and all social security numbers used by the sex offender in the past, valid or otherwise.

(16) A sex offender who provides reasonable and reliable proof satisfactory to the Department of Justice, that he travels frequently outside the United States for work or other legitimate purposes, and a sex offender who travels outside the United States for emergency situations, shall notify the Department of Justice prior to departure, by telephone or in writing, of travel outside the United States for periods of 48 hours or less, and shall notify the Department of Justice in writing at least (24) hours before traveling outside of the United States for periods of more than (48) hours, and, in any such case, shall notify the Department of Justice in writing upon the sex offender's return to this jurisdiction; however, the Attorney General may, at his discretion, reduce the 21 day notice requirement, if a sex offender requests such a reduction and provides information in support of the request, satisfactory to the Department of Justice. The information must include:

(i) identifying information of the temporary lodging locations, including addresses and names, or, in the case of a sex offender who provides reasonable and reliable proof satisfactory to the Department of Justice, that he travels for work or other legitimate purposes frequently, reliable information regarding general travel locations and areas of work in lieu of specific addresses, and contact telephone information at which the sex offender can be contacted without unreasonable delay at all times while traveling away from the Virgin Islands; and

(ii) The dates the sex offender will be staying at each temporary lodging location, or in such general locations and areas of work; and

(17) The text of each provision of law defining the criminal offense(s) for which the sex offender is registered.

(18) Information related to all vehicles owned or operated by the sex offender for work or personal use including land vehicles, aircraft and watercraft, which includes:

(i) license plate numbers;

(ii) registration numbers or identifiers;

(iii) [sic] general description of the vehicle to include color, make, model, and year; and

(iv) any permanent or frequent location where any covered vehicle is kept.

(19) Within the 21 days prior to traveling outside of the United States, a sex offender shall notify the Department of Justice in writing of the information listed in this paragraph, but a sex offender who provides reasonable and reliable proof satisfactory to the Department of Justice that he travels frequently outside the United States for work or other legitimate purposes, and a sex offender who travels outside the United States for emergency situations, shall provide notification to the Department of Justice under this section by telephone or in writing prior to departure for periods of 48 hours or less, and shall notify the Department of Justice in writing at least 24 hours before traveling outside of the United States for periods of more than 48 hours, and, in any such case, shall notify the Department of Justice in writing upon the sex offender's return to this jurisdiction; however, the Attorney General may, at his discretion, reduce the 21-day notice requirement if a sex offender requests such a reduction and provides information in support of the request. The sex offender engaged in travel subject to this section shall provide the following information:

(i) Destination;

(ii) Dates of travel;

(iii) Places of arrival and departure;

(iv) Itinerary details or, in the case of a sex offender, reasonable and reliable proof satisfactory to the Department of Justice that he travels outside the United States for work or other legitimate purposes frequently, or a sex offender who travels outside the United States for emergency situations, reliable information regarding general travel locations and areas of work in lieu of specific itinerary information;

(v) Address or, in lieu of address, contact telephone information at which the sex offender can be contacted without unreasonable delay at all times while in the destination country;

(vi) Purpose of travel;

(vii) Such other information as may be required by the Attorney General; and

(viii) In addition to any other information-sharing requirements of the chapter, any information regarding a sex offender's intended or actual travel outside of the United States must be immediately forwarded by the Department of Justice to the United States Marshals Service.

(20) Any other information required by the Attorney General.

(c) The Department of Justice shall establish policies and procedures to ensure the following:

(1) That any sex offender confined, incarcerated or sentenced by the courts of this Territory of the United States Virgin Islands for a covered sex offense completes their initial registration with the Department of Justice;

(2) That the sex offender reads, or has read to them, and signs an acknowledgement form stating that the duty to register has

been explained to them by the Department of Justice and that the sex offender understands the registration requirement;

(3) That the Department of Justice's personnel registering the sex offender signs and dates the acknowledgement form;

(4) That the information contained in the acknowledgement form is immediately uploaded unto the Department of Justice's sexual registry, and

(5) That the information is immediately forwarded to all other jurisdictions in which the sex offender is required to register due to the sex offender's residency, employment, or student status.

(d) Whenever a sex offender registers or updates his or her information with the Department of Justice, the Attorney General shall:

(1) Monitor and utilize the SORNA Exchange Portal for inter-jurisdictional change of residence, employment or student status;

(2) Immediately update the information on NSOR;

(3) Immediately enter the information about the sex offender on the National Criminal Information Center ('NCIC') website;

(4) Immediately notify any agency, department, or program within the Territory that is responsible for criminal investigation, prosecution, child welfare or sex offender supervision functions, including, but not limited to, police, whether BIA, Territorial or FBI, Territorial prosecutors, and as appropriate, the Territorial and/or the Federal Office of Probation and Parole;

(5) Immediately notify any and all other registration jurisdictions where the sex offender is registered or is required to register due to the sex offender's residency, school attendance, or employment;

(6) Immediately notify any and all other registration jurisdictions where the sex offender intends to reside, work or attend school;

(7) Immediately notify the U.S. Marshals Service when the sex offender provides information or there is information to believe that the sex offender intends to commence residence, school, or employment outside of the United States in a jurisdiction where the sex offender is either registered or is required to register;

(8) Immediately notify National Child Protection Act agencies, which includes any agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 ([42 U.S.C. 5119a](#)) when a sex offender registers or updates his or her registration;

(9) Immediately enter or update the public Sex offender registry website; and

(10) Ensure that the public sex offender registry has a function that enables the general public to request an email notice that will notify them when a sex offender commences residence, employment, or school attendance in the territory, within a specified zip code, or within a certain geographic radius. This email notice shall include the sex offender's identity so that the public can access the public registry for the new information.

(e) The Attorney General shall verify the address of each person registered under this chapter within five (5) working days of that person's registration or re-registration.

#### **Credits**

-Added Oct. 31, 1997, No. 6182, § 1, Sess. L. 1997, p. 95; amended July 18, 2012, No. 7372, § 9(1)-(4), Sess. L. 2012, p. 141-142; amended Dec. 14, 2012, No. 7458, § 6(a), (b), Sess. L. 2012, p. 413-415.

#### **HISTORY**

##### **Revision note.**

Substituted 'October 31, 1997' for 'the effective date of this act' in subsection (a) for purposes of clarity.

##### **Amendments -2012.**

Act 7372, § 9(1), rewrote subsection (a).

Act 7372, § 9(2), rewrote subsection (b).

Act 7372, § 9(3), rewrote subsection (c).

Act 7372, § 9(4), rewrote subsection (d).

Act 7458, § 6(a), rewrote subsection (b)(16).

Act 7458, § 6(b), rewrote subsection (b)(19).

14 V.I.C. § 1726, VI ST T. 14 § 1726

Current through Act 8146 of the 32nd Legislature

---