



# UNITED STATES VIRGIN ISLANDS

Legal System	Constitution	Bill of Rights	Form of Government
Common Law Statutory Law	Written	No	Republic

## A. Criminal Statutes

### 1. Human Trafficking and Related Statutes

#### a. V.I. Code Ann. tit. 14, § 133 (2018) – Trafficking an Individual

##### i. Summary

A person commits the offense of trafficking an individual if the person knowingly recruits, transfers, harbors, receives, provides, obtains, isolates, maintains, or entices an individual in furtherance of: (1) forced labor in violation of V.I. Code Ann. tit. 14, § 134; or (2) sexual servitude in violation of V.I. Code Ann. tit. 14, § 135. V.I. Code Ann. tit. 14, § 133(a).

A person commits the offense of forced labor if the person knowingly uses coercion to compel an individual to provide labor or services, except when such conduct is permissible under federal law or the law of the Virgin Islands. V.I. Code Ann. tit. 14, § 134(a).

A person commits the offense of sexual servitude if the person knowingly: (1) maintains or makes available a minor for the purpose of engaging the minor in commercial sexual activities; or (2) uses coercion or deception to compel an adult to engage in commercial sexual activity. V.I. Code Ann. tit. 14, § 135(a).

##### ii. Sentencing

Trafficking an adult is a felony punishable by imprisonment for up to 25 years. V.I. Code Ann. tit. 14, § 133(b).

Trafficking a minor is a felony punishable by imprisonment for not less than 25 years. V.I. Code Ann. tit. 14, § 133(c).

If the offender recruited, enticed, or obtained the victim from a shelter that serves individuals subjected to human trafficking, domestic violence, or sexual assault, or serves runaway youth, foster children, or the homeless, an aggravating circumstance may have occurred. If the trier of fact finds that an aggravating circumstance occurred during the commission of an offense under tit. 14, § 133, the defendant may be imprisoned for not more than 10 years in addition to the period of imprisonment for the offense. V.I. Code Ann. tit. 14, § 139.

The court shall order a person convicted of an offense under tit. 14, §133 to pay restitution to the victim for: (1) expenses incurred or reasonably certain to be incurred by the victim as a result of the offense, including reasonable attorney's fees and costs; and (2) with no reduction for expenses the defendant incurred to maintain the victim, an amount equal to the greatest of: [a] the gross income to the defendant for, or the value to the defendant of, the victim's labor, or services, or sexual activity; [b] the amount the defendant contracted to pay the victim; or [c] the value of the victim's labor, or services, or sexual activity, calculated under the minimum wage and overtime provisions of the U.S. Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, or the Fair Labor Standards under 24 V.I. Code Ann. tit. 14, § 1 *et seq.*, whichever is higher, even if the provisions do not apply to the victim's labor or services or sexual activity. V.I. Code Ann. tit. 14, § 140(a).

The court shall order restitution even if the victim is unavailable to accept payment of restitution. If the victim does not claim restitution ordered by the court for five years after entry of the order, the restitution must be paid to the victims' compensation fund to help other victims. V.I. Code Ann. tit., §140(b).

On motion, the court shall order a person convicted of an offense under tit. 14, § 133 to forfeit any interest in real or personal property that: (1) was used or intended to be used to commit or facilitate the commission of the offense; or (2) constitutes proceeds or was derived from proceeds that the person obtained, directly or indirectly, as a result of the offense. V.I. Code Ann. tit. 14, § 141(a).

Proceeds from the public sale or auction of forfeited property must first be distributed to victims who have been awarded restitution or have obtained a judgment in a civil action for a human trafficking offense. V.I. Code Ann. tit. 14, § 141(c).

**iii. Statute of Limitations**

There is no limitation of the time within which a prosecution for human trafficking shall be commenced. V.I. Code Ann. tit. 5, § 3541(a)(1); *cf.* V.I. Code Ann. tit. 14, § 132(5).

**b. V.I. Code Ann. tit. 14, § 134 (2018) – Forced Labor**

**i. Summary**

A person commits the offense of forced labor if the person knowingly uses coercion to compel an individual to provide labor or services, except when such conduct is permissible under federal law or the law of the Virgin Islands. V.I. Code Ann. tit. 14, § 134(a).

“Coercion” means:

- (1) the use or threat of force against, abduction of, serious harm to, or physical restraint of, an individual;
- (2) the use of a plan, pattern, or statement with intent to cause an individual to believe that failure to perform an act will result in the use of force against, abduction of, serious harm to, or physical restraint of, an individual;
- (3) the abuse or threatened abuse of law or legal process;
- (4) controlling or threatening to control an individual’s access to a controlled substance as defined in [V.I. Code Ann. tit. 19,] §§ 593(7) and 595, and any drug that has been declared by the Virgin Islands, state, or federal law to be illegal for sale, use, or possession unless lawfully dispensed under a prescription or over the counter;
- (5) the destruction or taking of or the threatened destruction or taking of an individual’s identification document or other property;
- (6) the use of debt bondage (defined below);
- (7) the use of an individual’s physical or mental impairment when the impairment has a substantial adverse effect on the individual’s cognitive or volitional function; or
- (8) the commission of civil or criminal fraud.

V.I. Code Ann. tit. 14, § 132(2).

“Debt bondage” means inducing an individual to provide:

- (1) commercial sexual activity in payment toward or satisfaction of a real or purported debt; or
- (2) labor or services in payment toward or satisfaction of a real or purported debt if:

the reasonable value of the labor or services is not applied toward the liquidation of the debt; or

the length of the labor or services is not limited and the nature of the labor or services is not defined.

V.I. Code Ann. tit. 14, § 132(4).

## ii. Sentencing

Forced labor of an adult is a felony punishable by imprisonment for not more than 30 years and a fine of not more than USD 25,000. V.I. Code Ann. tit. 14, § 134(b).

Forced labor of a minor is a felony punishable by imprisonment for not more than 30 years and a fine of not more than USD 40,000. V.I. Code Ann. tit. 14, § 134(c).

If the offender recruited, enticed, or obtained the victim from a shelter that serves individuals subjected to human trafficking, domestic violence, or sexual assault, or serves runaway youth, foster children, or the homeless, an aggravating circumstance may have occurred. If the trier of fact finds that an aggravating circumstance occurred during the commission of an offense under tit. 14, § 134, the defendant may be imprisoned for not more than 10 years in addition to the period of imprisonment for the offense. V.I. Code Ann. tit. 14, § 139.

The court shall order a person convicted of an offense under tit. 14, §134 to pay restitution to the victim for: (1) expenses incurred or reasonably certain to be incurred by the victim as a result of the offense, including reasonable attorney’s fees and costs; and (2) with no reduction for expenses the defendant incurred to maintain the victim, an amount equal to the greatest of: [a] the gross income to the defendant for, or the value to the defendant of, the victim’s labor, or services, or sexual activity; [b] the amount the defendant contracted to pay the victim; or [c] the value of the victim’s labor, or services, or sexual activity, calculated under the minimum wage and overtime provisions of the U.S. Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, or the Fair Labor Standards under 24 V.I. Code Ann. tit. 14, § 1 *et seq.*, whichever is higher, even if the provisions do not apply to the victim’s labor or services or sexual activity. V.I. Code Ann. tit. 14, § 140(a).

The court shall order restitution even if the victim is unavailable to accept payment of restitution. If the victim does not claim restitution ordered by the court for five years after entry of the order, the restitution must be paid to the victims’ compensation fund to help other victims. V.I. Code Ann. tit., §140(b).

On motion, the court shall order a person convicted of an offense under tit. 14, § 134 to forfeit any interest in real or personal property that: (1) was used or intended to be used to commit or facilitate the commission of the offense; or (2) constitutes proceeds or was derived from proceeds that the person obtained, directly or indirectly, as a result of the offense. V.I. Code Ann. tit. 14, § 141(a). Proceeds from the public sale or auction of forfeited property must first be distributed to victims who have been awarded restitution or have obtained a judgment in a civil action for a human trafficking offense. V.I. Code Ann. tit. 14, § 141(c).

## iii. Statute of Limitations

There is no limitation of the time within which a prosecution for human trafficking shall be commenced. V.I. Code Ann. tit. 5, § 3541(a)(1). Human trafficking means the commission of an offense under sections 133 through 137 of title 14. V.I. Code Ann. tit. 14, § 132(5).

## c. V.I. Code Ann. tit. 14, § 135 (2018) – Sexual Servitude

### i. Summary

A person commits the offense of sexual servitude if the person knowingly: (1) maintains or makes available a minor for the purpose of engaging the minor in commercial sexual activities; or (2) uses coercion or deception to compel an adult to engage in commercial sexual activity. V.I. Code Ann. tit. 14, § 135(a).

“Commercial sexual activity” means sexual activity for which anything of value is given to, promised to, or received by a person. V.I. Code Ann. tit. 14, § 132(3).

It is not a defense that the minor consented to engage in commercial sexual activity or that the defendant believed the minor was an adult. V.I. Code Ann. tit. 14, § 135(b).

## ii. Sentencing

Sexual servitude under subsection (a)(1) (pertaining to minors) is a felony punishable by imprisonment for at least 30 years and a fine of up to USD 100,000. V.I. Code Ann. tit. 14, § 135(c).

Sexual servitude under subsection (a)(2) (pertaining to adults) is a felony punishable by imprisonment for at least 30 years and up to 50 years. V.I. Code Ann. tit. 14, § 135(d).

If the offender recruited, enticed, or obtained the victim from a shelter that serves individuals subjected to human trafficking, domestic violence, or sexual assault, or serves runaway youth, foster children, or the homeless, an aggravating circumstance may have occurred. If the trier of fact finds that an aggravating circumstance occurred during the commission of an offense under tit. 14, § 135, the defendant may be imprisoned for not more than 10 years in addition to the period of imprisonment for the offense. V.I. Code Ann. tit. 14, § 139.

The court shall order a person convicted of an offense of under tit. 14, §135 to pay restitution to the victim for: (1) expenses incurred or reasonably certain to be incurred by the victim as a result of the offense, including reasonable attorney's fees and costs; and (2) with no reduction for expenses the defendant incurred to maintain the victim, an amount equal to the greatest of: [a] the gross income to the defendant for, or the value to the defendant of, the victim's labor, or services, or sexual activity; [b] the amount the defendant contracted to pay the victim; or [c] the value of the victim's labor, or services, or sexual activity, calculated under the minimum wage and overtime provisions of the U.S. Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, or the Fair Labor Standards under 24 V.I. Code Ann. tit. 14, § 1 *et seq.*, whichever is higher, even if the provisions do not apply to the victim's labor or services or sexual activity. V.I. Code Ann. tit. 14, § 140(a).

The court shall order restitution even if the victim is unavailable to accept payment of restitution. If the victim does not claim restitution ordered by the court for five years after entry of the order, the restitution must be paid to the victims' compensation fund to help other victims. V.I. Code Ann. tit., §140(b).

On motion, the court shall order a person convicted of an offense under tit. 14, § 135 to forfeit any interest in real or personal property that: (1) was used or intended to be used to commit or facilitate the commission of the offense; or (2) constitutes proceeds or was derived from proceeds that the person obtained, directly or indirectly, as a result of the offense. V.I. Code Ann. tit. 14, § 141(a).

Proceeds from the public sale or auction of forfeited property must first be distributed to victims who have been awarded restitution or have obtained a judgment in a civil action for a human trafficking offense. V.I. Code Ann. tit. 14, § 141(c).

## iii. Statute of Limitations

There is no limitation of the time within which a prosecution for human trafficking shall be commenced. V.I. Code Ann. tit. 5, § 3541(a)(1); *cf.* V.I. Code Ann. tit. 14, § 132(5).

## d. V.I. Code Ann. tit. 14, § 136 (2018) – Patronizing a Victim of Sexual Servitude

### i. Summary

A person commits the crime of patronizing a victim of sexual servitude if the person knowingly gives, agrees to give, or offers to give anything of value so that an individual may engage in commercial sexual activity with another individual and the person knows that the other individual is a victim of sexual servitude. V.I. Code Ann. tit. 14, § 136(a).

## ii. Sentencing

Patronizing a victim of sexual servitude who is an adult is a felony punishable by imprisonment for not more than 10 years. V.I. Code Ann. tit. 14, § 136(b).

Patronizing a victim of sexual servitude who is a minor is a felony punishable by imprisonment for not more than 20 years. V.I. Code Ann. tit. 14, § 136(b).

## iii. Statute of Limitations

There is no limitation of the time within which a prosecution for human trafficking shall be commenced. V.I. Code Ann. tit. 5, § 3541(a)(1); *cf.* V.I. Code Ann. tit. 14, § 132(5).

### e. V.I. Code Ann. tit. 14, § 137 (2018) – Patronizing a Minor for Commercial Sexual Activity

#### i. Summary

A person commits the offense of patronizing a minor for commercial sexual activity if:

- (1) with the intent that an individual engage in commercial sexual activity with a minor, the person gives, agrees to give, or offers to give anything of value to a minor or another person so that the individual may engage in commercial sexual activity with a minor; or
- (2) the person gives, agrees to give, or offers to give anything of value to a minor or another person so that an individual may engage in commercial sexual activity with a minor.

V.I. Code Ann. tit. 14, § 137(a).

#### ii. Sentencing

Patronizing a minor for commercial sexual activity under subsection (a)(1) is a felony punishable by imprisonment for not more than 15 years. V.I. Code Ann. tit. 14, § 137(b).

Patronizing a minor for commercial sexual activity under subsection (a)(2) is a felony punishable by imprisonment for not more than 10 years. V.I. Code Ann. tit. 14, § 137(c).

#### iii. Statute of Limitations

There is no limitation of the time within which a prosecution for human trafficking shall be commenced. V.I. Code Ann. tit. 5, § 3541(a)(1); *cf.* V.I. Code Ann. tit. 14, § 132(5).

### f. V.I. Code Ann. tit. 14, § 138 (2018) – Business Entity Liability

A business entity may be prosecuted for an offense under sections 133 through 137 (trafficking an individual, forced labor, sexual servitude, patronizing a victim of sexual servitude, patronizing a minor for commercial sexual activity) only if:

- (1) the entity knowingly engages in conduct that is human trafficking; or
- (2) an employee or nonemployee agent of the entity engages in conduct that is human trafficking and the conduct is part of a pattern of activity for the benefit of the entity, which the entity knew was occurring and failed to take effective action to stop.

V.I. Code Ann. tit. 14, § 138(a).

When a business entity is convicted of a trafficking offense, the court may consider the severity of the entity's conduct. The court may order penalties in addition to the penalties otherwise provided for the offense, including: (1) a fine of not more than USD 1 million per offense; (2) disgorgement of profit from activities in violation of the Virgin Islands trafficking statutes; and (3) debarment from government contracts. V.I. Code Ann. tit. 14, § 138(b).

**g. V.I. Code Ann. tit. 14, § 141 (2018) – Forfeiture**

On motion, the court shall order a person convicted of trafficking in individuals, forced labor, or sexual servitude to forfeit any interest in real or personal property that: (1) was used or intended to be used to commit or facilitate the commission of the offense; or (2) constitutes proceeds or was derived from proceeds that the person obtained, directly or indirectly, as a result of the offense. V.I. Code Ann. tit. 14, § 141(a).

Proceeds from the public sale or auction of forfeited property must first be distributed to victims who have been awarded restitution or have obtained a judgment in a civil lawsuit for a human trafficking offense. V.I. Code Ann. tit. 14, § 141(c).

**h. V.I. Code Ann. tit. 14, § 142 (2018) – Victim Confidentiality**

In an investigation of or a prosecution for a trafficking offense, law enforcement officers and the Attorney General's Office shall keep confidential the identity, pictures, and images of the alleged victim and the family of the alleged victim, except to the extent that disclosure is: (1) necessary for the purpose of investigation or prosecution; (2) required by law or court order; or (3) necessary to ensure provision of services or benefits for the victim or the victim's family. V.I. Code Ann. tit. 14, § 142.

**i. V.I. Code Ann. tit. 14, § 143 (2018) – Past Sexual Behavior of Victim**

In a prosecution for a trafficking offense or in a civil lawsuit by a victim under section 147, evidence of a specific instance of the alleged victim's past sexual behavior, or reputation, or opinion evidence of past sexual behavior of the alleged victim is not admissible unless the prosecution offers the evidence, pursuant to Virgin Islands Rule of Evidence 412(b), to prove a pattern of human trafficking by the defendant. V.I. Code Ann. tit. 14, § 143.

**j. V.I. Code Ann. tit. 14, § 144 (2018) – Immunity of Minor**

A person is not criminally liable or subject to a juvenile delinquency proceeding: (1) for prostitution or other nonviolent crimes if the individual was a minor at the time of the offense and committed the offense as a direct result of being a victim, or (2) for prostitution or engaging in commercial sexual activity if the individual was a minor at the time. V.I. Code Ann. tit. 14, § 144(a)–(b). A minor who meets one of these requirements is presumed to be a person in need of supervision as defined in V.I. Code Ann. tit. 5, § 2502(23). V.I. Code Ann. tit. 14, § 144(c).

The immunity granted by this section does not apply in a prosecution or a juvenile delinquency proceeding for patronizing a prostitute. V.I. Code Ann. tit. 14, § 144(d).

**k. V.I. Code Ann. tit. 14, § 145 (2018) – Affirmative Defense of Victim**

An individual charged with prostitution or other nonviolent offenses committed as a direct result of being a victim of human trafficking may assert an affirmative defense that the individual is a victim. V.I. Code Ann. tit. 14, § 145.

**l. V.I. Code Ann. tit. 14, § 146 (2018) – Motion to Vacate and Expunge Conviction**

A person convicted of prostitution or other nonviolent offenses committed as a direct result of being a victim of human trafficking may apply by motion to the Superior Court to vacate the conviction and expunge the record of conviction. The court may grant the motion on a finding that the participation in the offense was a direct result of being a victim of human trafficking. V.I. Code Ann. tit. 14, § 146(a). No official determination or documentation is required to grant such a motion, but an official determination or documentation from a federal, state, local, or tribal agency that the individual was a victim at the time of the offense creates a presumption that the individual's

participation was a direct result of being a victim. V.I. Code Ann. tit. 14, § 146(b). “A motion filed under subsection (a), any hearing conducted on the motion, and any relief granted are governed by 5 V.I.C., ch. 314.” V.I. Code Ann. tit. 14, § 146(c).-

**2. Online Child Sexual Exploitation and Child Pornography Offenses**

V.I. Code Ann. tit. 14, § 488 – Visual Medium Depicting Sexually Explicit Conduct

V.I. Code Ann. tit. 14, § 489 – Definitions; Computer Pornography

V.I. Code Ann. tit. 14, § 490 – Obscene Internet Contact with a Minor

V.I. Code Ann. tit. 14, § 1024 – Distribution of Child Pornography

**3. V.I. Code Ann. tit. 14, §§ 1721A–1724 (2012) – Sexual Offender Registration and Community Protection**

The Virgin Islands requires registration as a sex offender after convictions for crimes including trafficking of persons for illegal sexual activity, sex trafficking of children, distribution of child pornography, and similar offenses.

**B. Civil Liability Statutes**

**1. V.I. Code Ann. tit. 14, § 147 (2018) – Civil Lawsuits**

**a. Summary**

A victim may bring a civil lawsuit against a person who commits the offenses of trafficking an individual, forced labor, or sexual servitude. V.I. Code Ann. tit. 14, § 147(a).

**b. Damages**

A victim who prevails in a lawsuit under section 147 may recover compensatory damages, punitive damages, injunctive relief, and any other appropriate relief. The court shall also award reasonable attorney’s fees and costs to a prevailing victim. V.I. Code Ann. tit. 14, § 147(a), (b).

Damages awarded must be offset by any restitution paid to the victim pursuant to V.I. Code Ann. tit. 14, § 140 for the same item. V.I. Code Ann. tit. 14, § 147(d).

This section does not preclude any other remedy available to a victim under federal law or the law of the Virgin Islands. V.I. Code Ann. tit. 14, § 147(a), (e).

**c. Statute of Limitations**

A lawsuit under this section must be commenced not later than 10 years after the later of the date on which the victim (1) no longer was subject to human trafficking; or (2) turned 18 years of age. V.I. Code Ann. tit. 14, § 147(c).

**C. Additional Statutes Specific to Human Trafficking**

**1. V.I. Code Ann. tit. 14, § 148 (2018) – Council on Human Trafficking**

This provision establishes a Council on Human Trafficking within the Virgin Islands Department of Justice and addresses its duties.

**2. V.I. Code Ann. tit. 14, § 149 (2018) – Display of Public Awareness Sign**

A public awareness sign that contains the Virgin Islands and the National Human Trafficking Resource Center hotline information must be displayed in every airport, marine transportation terminal facility rest area, and visitors’ center

in the Territory, which are open to the public; strip club or other sexually oriented business; business entity found to be a house of prostitution; job recruitment center; hospital; and emergency care provider.

**3. V.I. Code Ann. tit. 14, § 150 (2018) – Eligibility for Benefit or Services**

Minors who have engaged in commercial sexual activity and trafficking victims are eligible for benefits and services through the Criminal Victims Compensation Commission and other agencies, regardless of immigration status.

As soon as practicable after first encountering an individual who reasonably appears to be a trafficking victim or a minor who has engaged in commercial sexual activity, a department or agency shall notify the appropriate agency that the victim or minor may be eligible for benefits or services.

**4. V.I. Code Ann. tit. 14, § 151 (2018) – Law Enforcement Protocol**

Upon request by an individual whom the Attorney General reasonably believes is or has been subjected to a severe form of trafficking or criminal offense, the Attorney General shall, as soon as practicable, complete, sign, and provide a completed USCIS Form I-914B or Form I-918B, and ask a federal law enforcement officer to request continued presence in the United States. V.I. Code Ann. tit. 14, § 151(a).

If the Attorney General determines that an individual does not meet the requirements for the above provision, the Attorney General shall inform the individual of the reason for this determination, and that the individual may elect to make another request and submit additional evidence to satisfy the requirements. V.I. Code Ann. tit. 14, § 151(b).

**5. V.I. Code Ann. tit. 14, § 152 (2018) – Grant to or Contract with Service**

To the extent that funds are appropriated for this purpose, the Virgin Islands Law Enforcement Planning Committee may make a grant to the Council for Human Trafficking or a nongovernmental victims' service organization, to develop or expand service programs for human trafficking victims.

**6. V.I. Code Ann. tit. 24, § 17 (1968) – Fair Labor Standards**

An employee may bring a civil lawsuit to recover unpaid wages. The court may award costs and attorney's fees to a prevailing plaintiff. V.I. Code Ann. tit. 24, § 17. Willful violations of this provision may result in additional penalties. V.I. Code Ann. tit. 24, § 16.

More information is available at: <https://www.vidol.gov/employee-rights/>.

**D. Significant Cases**

No significant cases were found regarding the Virgin Islands human trafficking statutes.

**E. Academic Research/Papers**

No academic research or papers were found regarding the U.S. Virgin Islands human trafficking statutes.

**F. Resources**

National Human Trafficking Hotline (U.S. Virgin Islands):

<https://humantraffickinghotline.org/state/us-virgin-islands>

U.S. Department of Health & Human Services, *U.S. Virgin Islands: Efforts to Combat Human Trafficking* (2017):

[https://www.acf.hhs.gov/sites/default/files/otip/us\\_virgin\\_islands\\_profile\\_efforts\\_to\\_combat\\_human\\_trafficking.pdf](https://www.acf.hhs.gov/sites/default/files/otip/us_virgin_islands_profile_efforts_to_combat_human_trafficking.pdf)



U.S. Virgin Islands Domestic Violence and Sexual Assault Council:

[https://www.vidvsac.org/copy-of-domestic-violence?sm\\_vck=TfvMWnq45sj5RQ45R5n5HsZTrNWss7nfNJR55MNtkWSWnbKFW566](https://www.vidvsac.org/copy-of-domestic-violence?sm_vck=TfvMWnq45sj5RQ45R5n5HsZTrNWss7nfNJR55MNtkWSWnbKFW566)

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