

AMENDMENT
TO REPLACE IN WHOLE AND SUBSTITUTE
BILL NO. 36-0144

THIRTY-SIXTH LEGISLATURE OF THE VIRGIN ISLANDS
REGULAR SESSION, 2026

[DATE], 2026

Offered by: [SPONSOR(S)]

Bill No. 36-0144 is hereby amended by striking the bill in its entirety and inserting the following substitute bill:

BILL NO. 36-0144 (SUBSTITUTE)
VIRGIN ISLANDS SAFE COMMUNITIES AND CONSTITUTIONAL FIREARMS
MODERNIZATION ACT

AN ACT to enact the Virgin Islands Safe Communities and Constitutional Firearms Modernization Act; to amend Title 23, Virgin Islands Code, Chapter 5 (Control of Firearms and Ammunition), to modernize firearm licensing and registration consistent with the United States Constitution and applicable Supreme Court precedent; to retain a five-year firearms registration renewal with a nominal \$25 fee that may register all firearms owned by a licensee; to eliminate handgun mandatory recertification requirements; to constrain discretionary licensing practices; to prohibit machine gun conversion devices; to establish an enhanced background check endorsement process for federally regulated firearms and devices and for other purposes.

WHEREAS, the Legislature of the Virgin Islands recognizes that safe, well-maintained community spaces are essential to the growth, development, and advancement of our youth and to the well-being of all residents;

WHEREAS, vibrant public areas that are clean, secure, and welcoming foster positive engagement, encourage family interaction, and strengthen community bonds;

WHEREAS, initiatives such as the Project Bleachers sponsored by Virgin Islands Safe Gun Owners and the Department of Gun Violence Prevention aim to restore deteriorated recreational facilities so that young people may participate in healthy activities such as tennis, receive coaching and mentorship, access tutoring and academic support, and develop discipline and teamwork in an environment free from gun violence, drugs, and blight;

WHEREAS, investing in safe community spaces creates pathways for youth enrichment, supports families, and promotes a stronger, healthier Virgin Islands;

WHEREAS, Safer Community Spaces, including Project Bleachers and similar initiatives, can serve as community-based outreach hubs that keep children engaged after school, promote school attendance and good grades through tutoring and mentorship, and create pathways to higher education and skills-based careers through colleges, trade schools, apprenticeships, and job opportunities, addressing a root contributor to violence: the lack of job opportunities for those without education and training, and reducing incentives for violence and unlawful activity;

WHEREAS, the Supreme Court’s more recent decision in *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 142 S. Ct. 2111 (2022), reaffirmed that firearm regulations must be consistent with the Nation’s historical tradition of firearm regulation and clarified the analytical framework governing Second Amendment challenges;

WHEREAS, *Bruen* further recognized that objective, non-discretionary licensing regimes may be consistent with the Second Amendment, while warning that lengthy wait times, excessive discretion, and exorbitant fees may unconstitutionally burden the right to keep and bear arms;

WHEREAS, the United States Supreme Court in *District of Columbia v. Heller*, 554 U.S. 570 (2008) (“*Heller I*”), held that the Second Amendment protects an individual right to keep and bear arms for lawful purposes, and in *Heller v. District of Columbia*, 801 F.3d 264 (D.C. Cir. 2015) (“*Heller III*”), further clarified permissible regulatory frameworks governing registration and licensing;

WHEREAS, the Supreme Court in *McDonald v. City of Chicago*, 561 U.S. 742 (2010), incorporated the Second Amendment against the states and territories through the Fourteenth Amendment, thereby requiring jurisdictions such as the Virgin Islands to ensure their firearm statutes comply with constitutional mandates;

WHEREAS, in *United States v. Rahimi*, 144 S. Ct. 1889 (2024), the Supreme Court held that when an individual has been found by a court to pose a credible threat to the physical safety of another, that individual may be temporarily disarmed consistent with the Second Amendment;

WHEREAS, in *Range v. Attorney General*, No. 21-2835 (3d Cir. Dec. 23, 2024) (en banc), the United States Court of Appeals for the Third Circuit held that applying 18 U.S.C. § 922(g)(1) to a person with a decades-old nonviolent conviction violated the Second Amendment, and emphasized that the Government bears the burden to demonstrate that any disarmament is consistent with the Nation’s historical tradition of firearm regulation;

WHEREAS, in *Caetano v. Massachusetts*, 577 U.S. 411 (2016), the Supreme Court vacated a decision that denied Second Amendment protection to stun guns because they were not in existence at the time of the founding, reaffirming that the Second Amendment is not limited to arms in existence in the eighteenth century;

WHEREAS, the Supreme Court in *Bondi v. VanDerStok*, No. 23-852 (U.S. Mar. 26, 2025), upheld federal regulation treating certain weapon parts kits and unfinished frames or receivers as firearms under the Gun Control Act, confirming that such kits and components may be regulated consistent with federal law;

WHEREAS, the Fourth Amendment to the Constitution of the United States protects against unreasonable searches and seizures, and the Supreme Court has recognized that administrative inspections of private residences generally require a warrant or consent (*Camara v. Municipal Court*, 387 U.S. 523 (1967));

WHEREAS, the Supreme Court has held that the Eighth Amendment’s Excessive Fines Clause applies to the States through the Fourteenth Amendment (*Timbs v. Indiana*, 139 S. Ct. 682 (2019)), applies to certain civil forfeitures (*Austin v. United States*, 509 U.S. 602 (1993)), and prohibits punitive forfeitures that are grossly disproportional to the gravity of the offense (*United States v. Bajakajian*, 524 U.S. 321 (1998));

WHEREAS, in light of these decisions, the Virgin Islands has a compelling interest in modernizing, clarifying, updating, and codifying its firearm laws to ensure that they comply with the United States Constitution and evolving federal jurisprudence while continuing to protect public safety;

WHEREAS, the Legislature of the Virgin Islands finds that portions of the Territory’s existing firearm statutes were enacted decades ago and no longer reflect contemporary legal standards, practical realities, or the needs of the community;

WHEREAS, unlawful machine gun conversion devices and conversion kits that can convert lawful semi-automatic firearms into fully automatic weapons pose a serious and growing threat to public safety;

WHEREAS, advances in firearm manufacturing and distribution, including three-dimensional printing and readily assembled firearm parts kits, have increased the availability of unserialized, untraceable firearms (“ghost guns”);

WHEREAS, the Legislature further intends to clarify that machine guns, automatic weapons, firearms with machine gun conversion devices or conversion kits, assault rifles, short-barreled (sawed-off) shotguns, and other firearms prohibited by law shall not be eligible for registration in the Firearms Register, except to the extent expressly authorized under federal law and the exceptions provided by statute, including under section 453 of this chapter, section 481b of this chapter, and section 481c of this chapter;

WHEREAS, certain firearms and devices described in 26 U.S.C. § 5845(a) and (b), including machine guns, short-barreled rifles, short-barreled shotguns, firearm silencers (suppressors), and destructive devices, are subject to heightened regulation under federal law and raise distinct public safety considerations;

WHEREAS, to protect public safety while providing clear, objective, and constitutionally sound standards, this Act establishes an enhanced background check endorsement and registration process for such firearms and devices, including in circumstances where federal registration, approval, or tax payment is not required or is not available as a matter of law in the Virgin Islands, and preserves compliance with all applicable federal law;

WHEREAS, the Legislature further finds that any requirement that a law-abiding applicant or licensee submit a privately owned firearm for physical inspection, or permit entry into a private home for inspection of a firearm, as a condition of obtaining, renewing, or maintaining a firearms license or registration, would impose an undue burden on the right to keep and bear arms protected by the Second and Fourteenth Amendments, as construed in *N.Y. State Rifle & Pistol Assn., Inc. v. Bruen*, 142 S. Ct. 2111 (2022), and would constitute an unreasonable search and seizure under the Fourth Amendment absent a warrant based on probable cause or the voluntary, informed consent of the person;

WHEREAS, the Legislature further finds that the declaration requirement at ports of entry under section 470 is an administrative reporting requirement and does not constitute consent to search or a waiver of rights secured by the Fourth Amendment to the United States Constitution, and may not be construed to authorize any territorial officer to search or inspect luggage, baggage, containers, or other personal effects absent a judicial warrant or other lawful authority independent of this chapter;

WHEREAS, the Legislature further finds that clear due process and property disposition safeguards for surrendered, seized, or confiscated firearms, including reasonable notice and an opportunity to request return or lawful transfer, help protect due process and property interests and reduce potential Takings Clause risk associated with uncompensated destruction or governmental appropriation of lawfully owned firearms;

WHEREAS, lawful firearm owners in the Virgin Islands deserve clear, accessible, and consistently applied rules governing registration, licensing, and possession of firearms so that responsible and qualified individuals may comply with the law without unnecessary burden;

WHEREAS, the Legislature further finds that fees for firearms licensing, registration, renewals, endorsements, and other administrative actions under this chapter should be used solely to defray the reasonable costs of administering this chapter and maintaining the Firearms Register, and should not be diverted for unrelated purposes;

WHEREAS, the Legislature further finds that civilian administration and civilian staffing of the firearms licensing and registration process, through a Director in the classified service and civilian personnel who are not, and have not been, sworn law enforcement officers of the Department, will promote uniform application of objective standards, transparency, and public confidence;

WHEREAS, the Legislature further finds that persons temporarily present in the Virgin Islands benefit from clear, publicly accessible guidance concerning the recognition of out-of-state firearms licenses and permits, and that publishing and regularly updating such guidance promotes voluntary compliance and reduces the risk of arbitrary enforcement;

WHEREAS, the Legislature further finds that a limited, one-time grace period allowing eligible persons to register previously unregistered firearms without civil penalty will encourage prompt voluntary compliance, improve the accuracy of the Firearms Register, and advance public safety;

WHEREAS, excessive delays in firearm registration and permitting undermine both public confidence and the effective administration of public safety policy, and there is an immediate need to streamline and modernize these processes to ensure timely, transparent, and constitutionally compliant application review; and

WHEREAS, the Legislature further finds that providing a prompt, accessible, and affordable administrative review process through a Firearms Review Board, while preserving judicial review in a court of competent jurisdiction, will strengthen due process, promote uniform application of objective standards, and reduce unnecessary litigation costs for applicants and the Government.

NOW THEREFORE,

BE IT ENACTED BY THE LEGISLATURE OF THE VIRGIN ISLANDS:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Virgin Islands Safe Communities and Constitutional Firearms Modernization Act” (the “Act”).

SECTION 2. PURPOSE AND INTENT.

- (a) It is the purpose and intent of this Act to promote safe communities through targeted, constitutionally sound public safety measures, including investment in safer community spaces such as Project Bleachers and community-based outreach programming that

supports educational achievement, college and trade school pathways, and employment opportunities; to modernize and clarify the Virgin Islands firearm licensing and registration framework so that it is administered under narrow, objective, and definite standards; to provide for civilian administration of the firearms licensing and registration functions under this chapter through a Director of Firearms Licensing and Registration who is a civilian employee in the classified service; to retain a five-year renewal registration requirement with a nominal Twenty-Five Dollars (\$25.00) fee that may cover all firearms owned or possessed by a licensee; to require that fees collected under this chapter be used solely to defray the reasonable costs of administering this chapter and maintaining the Firearms Register, and not for unrelated purposes; to eliminate any mandatory handgun recertification requirement as a condition of renewing a firearms license; to reduce unnecessary administrative burdens that invite arbitrary and capricious decision-making; to provide an expedited, optional administrative review process through a Firearms Review Board for persons aggrieved by the denial of an application for a firearms license, the suspension, limitation, or revocation of a firearms license, or a failure to issue a license or renewal following deemed approval, while preserving access to de novo judicial review in a court of competent jurisdiction; to strengthen prohibitions and penalties for unlawful machine gun conversion devices; to establish an enhanced background check endorsement and registration process for federally regulated firearms and devices; and to clarify objective standards for firearms dealer licensing and transaction approvals; to encourage prompt voluntary compliance through a one-time, one-year grace period to register previously unregistered firearms without the civil fine described in section 489b; to ensure that conviction-based ineligibility provisions are narrowly tailored to persons who are violent or dangerous, consistent with controlling Second Amendment precedent; to clarify objective standards for firearms manufacturer licensing and to authorize federally licensed firearms manufacturers to manufacture and possess federally regulated firearms and devices in the Virgin Islands for lawful transfer or shipment outside the Virgin Islands consistent with federal law.

- (b) High-value constitutional safeguards. In furtherance of the purposes of this Act, the Legislature intends that:
- (1) Firearm licensing under Title 23, chapter 5 shall operate as a ‘shall-issue’ system for qualified applicants, without any requirement to demonstrate an atypical or extraordinary need, provide character affidavits, or satisfy any discretionary ‘proper cause’ or similar standard.
 - (2) Eligibility determinations shall be based on objective, statutorily defined criteria, and no application may be denied based on subjective assessments such as ‘good moral character’ or ‘improper person’ standards not expressly defined by law.
 - (3) Fees shall be nominal and non-discriminatory, and no separate per-firearm renewal fee may be imposed; a single license may cover all firearms registered to a licensee, with renewal and renewal registration required once every five (5) years; and all fees collected under this chapter shall be deposited and used solely to defray the reasonable costs of administering this chapter and maintaining the Firearms Register and may not be diverted for unrelated purposes.

- (4) Any training requirement shall be limited to the initial issuance of a license to carry a concealed handgun under section 454a, shall be governed by objective standards, and may be satisfied by any nationally recognized or otherwise certified instructor or training school without a local-only mandate; no training or certification shall be required for the issuance or renewal of licenses limited to rifles or shotguns. For the avoidance of doubt, the declaration requirement at ports of entry under section 470 is an administrative reporting requirement and does not constitute consent to search or a waiver of rights secured by the Fourth Amendment to the United States Constitution, and may not be used as independent authority to search luggage, baggage, containers, or other personal effects absent a judicial warrant or other lawful authority independent of this chapter.
- (5) The Department may not condition the issuance, renewal, endorsement, or registration of a firearms license or firearm under this chapter on any home visit, home inspection, warrantless search, or compelled physical inspection of a privately owned firearm, and any annual physical inspection requirement is eliminated. For the avoidance of doubt, no applicant or licensee shall be required to present a privately owned firearm to the Department for physical inspection, serial number verification, test-firing, or similar examination as a condition of exercising rights under this chapter, and any physical inspection of a privately owned firearm may occur only pursuant to a warrant based on probable cause or with the voluntary, informed consent of the person. Nothing in this paragraph limits lawful compliance inspections of licensed dealers, firearms manufacturers, or gunsmiths at their licensed business premises as otherwise authorized by law.
- (6) Processing deadlines shall be enforceable, including timely notice of any missing information, issuance or denial within a fixed period, deemed approval upon noncompliance, and expedited relief, including review by the Firearms Review Board and judicial relief in a court of competent jurisdiction, to compel issuance where appropriate.
- (7) Denials, suspensions, limitations, and revocations shall be subject to an expedited, optional administrative review process before the Firearms Review Board and to expedited judicial review in a court of competent jurisdiction on a de novo basis, with the Government bearing the burden of proof and without any requirement that an applicant prove fraud or misrepresentation to obtain relief.
- (8) Public safety measures shall be narrowly tailored to historically and legally supported restrictions, including conviction- and status-based disqualifications focused on persons who are violent or dangerous, and prohibitions on machine guns and machine gun conversion devices defined consistently with federal law, while ensuring that lawful firearms, magazines, suppressors, and other lawful components may not be denied absent an express statutory prohibition, and that implementing regulations are promulgated promptly.
- (9) Disposition of surrendered, seized, or confiscated firearms under section 475 shall provide reasonable notice and an opportunity to request return or lawful transfer, and shall not authorize permanent deprivation of lawfully owned firearms absent contraband status, a final court forfeiture order, or unclaimed-property procedures.

- (10) Enhanced background check endorsements and registration for firearms or devices described in 26 U.S.C. § 5845(a) or (b) under section 481c shall be administered under objective standards, shall include fingerprint-based checks through all available territorial and federal databases, and shall be subject to enforceable processing deadlines and judicial review.
- (11) Dealer licensing, dealer transaction reporting, and private-transfer approvals under sections 461 through 465 shall be administered under objective criteria set forth in statute or duly promulgated regulation, and may not be denied, delayed, or conditioned on unwritten policies or discretionary standards not expressly authorized by law.
- (12) The firearms licensing and registration functions under this chapter shall be administered under civilian leadership by a Director of Firearms Licensing and Registration in the classified service who is not, and has not been, a sworn law enforcement officer of the Department, to promote uniform application of objective standards and public confidence.
- (13) Reciprocal recognition; public notice. The reciprocal recognition of out-of-state firearms licenses and permits under section 460 shall be administered under objective standards, and the Department shall publish and maintain a current list of licenses and permits recognized under section 460, updated at least annually. The Director of Firearms Licensing and Registration shall actively solicit reciprocal recognition agreements and other mechanisms of recognition with States, Territories, and the District of Columbia so that holders of Virgin Islands firearms licenses and carry endorsements may more freely travel with their firearms, subject to the laws of those jurisdictions.
- (14) Monetary penalties and forfeitures. Any monetary penalty, statutory damages provision, and forfeiture authorized by this chapter shall be construed and applied in a manner consistent with the Excessive Fines Clause of the Eighth Amendment, as incorporated through the Fourteenth Amendment, and shall not be grossly disproportional to the gravity of the offense or violation.

SECTION 3. AMENDMENTS TO TITLE 23, CHAPTER 5; CONTROL OF FIREARMS.

Title 23, Virgin Islands Code, chapter 5 (Control of Firearms) is amended to read as set forth in Exhibit A, attached hereto and incorporated by reference:

EXHIBIT A
Title 23, Virgin Islands Code – Chapter 5 (Control of Firearms and
Ammunition)
Substituted Version (as amended and reenacted by this Act)

§ 451. Definitions

As used in this chapter, unless the context clearly requires otherwise:

- (a) “Ammunition” means any cartridge, shell, bullet, projectile, buckshot, or other load, or any propellant and projectile combination, that is designed for use in a firearm and may be discharged from a firearm by the action of an explosive. For the avoidance of doubt, “Ammunition” does not include paintballs, airsoft BBs, air gun BBs or pellets, pepper balls, or other recreational or less-lethal projectiles designed for use in a device that expels a projectile solely by compressed air, compressed gas (including CO₂), spring, or other mechanical means and that is not a “firearm” as defined in this section.
- (b) “Antique firearm” means:
 - (1) any firearm (including any firearm with matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; or
 - (2) any replica of any firearm described in subparagraph (1) if the replica
 - (A) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or
 - (B) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade; or
 - (3) any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol designed to use black powder, or a black powder substitute, and that cannot use fixed ammunition; provided, that “antique firearm” does not include any weapon which incorporates a firearm frame or receiver, any firearm converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.
- (c) “Assault rifle” means a selective-fire rifle that uses an intermediate cartridge, including, but not limited to the following characteristics:
 - (1) It must be an individual weapon with provision to fire from the shoulder (i.e. a buttstock);
 - (2) It must be capable of selective fire;

- (3) It must have an intermediate-power cartridge, more power than a pistol but less than a full-power rifle cartridge; and
- (4) Its ammunition must be supplied from a detachable magazine.
- (d) “Automatic weapon” or “machine gun” means any firearm, as defined in subsection (l) that has the capacity to fire more than one shot, without manually reloading, with a single pull of the trigger.
- (e) “Commissioner” means the Police Commissioner of the Virgin Islands.
- (f) “Concealed firearm or handgun” means a firearm or handgun that is covered, hidden, or secreted in a manner that the public would not be aware of its presence and is readily accessible for immediate use.
- (g) “Conversion kit” means any part or combination of parts designed and intended for use in converting any firearm into an automatic weapon, and any combination of parts from which an automatic weapon can be assembled if the parts are in the possession or under the control of a person. Conversion kit includes machine gun conversion devices, chips, auto sears (including conversion “switches”), and three-dimensional printed parts that are designed and intended, whether alone or as a combination of parts, to convert a firearm into an automatic weapon (machine gun) or otherwise enable the firearm to shoot automatically more than one shot, without manual reloading, by a single pull of or function of the trigger, consistent with 26 U.S.C. § 5845(b).
- (h) “Crime of violence” means the crime of, or the attempt to commit, murder in any degree, voluntary manslaughter, rape, arson, discharging or aiming firearms, mayhem, kidnapping, assault in the first degree, assault in the second degree, assault in the third degree, robbery, or burglary.
- (i) “Dealer in firearms and/or ammunition” means any person engaged in the business of selling firearms and/or ammunition, for a profit or gain.
- (j) “Federally licensed firearms manufacturer” means a person who holds a current federal firearms license authorizing the manufacture of firearms and who, when manufacturing or dealing in any firearm or device described in 26 U.S.C. § 5845(a) or (b), is registered as a special (occupational) taxpayer under 26 U.S.C. chapter 53, as applicable.
- (k) “Federally regulated firearm or device” means any firearm or device described in 26 U.S.C. § 5845(a) or (b), including a machine gun, short-barreled rifle, short-barreled shotgun, firearm silencer (suppressor), destructive device, or any other weapon.
- (l) “Department” means the U.S. Virgin Islands Police Department (V.I.P.D.).
- (m) “Director” means the Director of Firearms Licensing and Registration designated pursuant to section 456b(h) of this chapter.

- (n) “Electric weapon or device” means any device which, through the application or use of electric current, including battery operated devices, is designed, redesigned, used, or intended to be used for offensive or defensive purposes, the destruction of life, or the infliction of injury.
- (o) “Firearm” means any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive. The term “Firearm” does not include any device that expels a projectile solely by compressed air, compressed gas (including CO₂), spring, or other mechanical means, including paintball markers, airsoft guns, BB guns, pellet guns, and pepper-ball or chemical-irritant projectile launchers, unless the device is designed to, or may readily be converted to, expel a projectile by the action of an explosive.
- (p) “Gunsmith” means any person who engages in the business of repairing, altering, cleaning, polishing, engraving, blueing or performing any mechanical operation on any firearm on an individual order basis.
- (q) “Handgun” means a firearm as defined in subsection (l) which has a barrel that does not exceed 12 inches, whether loaded or unloaded.
- (r) “Minor” means a person under eighteen (18) years of age.
- (s) “Bona fide place of business” means a fixed physical location within the Virgin Islands (other than a post office box, private mailbox, commercial mail receiving agency, or similar mailing-only address) at which a person is lawfully engaged in a trade, occupation, or other lawful business activity on a continuing basis and where the person may be contacted during ordinary business hours; provided, that a registered agent address, virtual office, or mail-forwarding service that does not correspond to an actual place of business shall not constitute a bona fide place of business.
- (t) “Residence address” means a fixed physical dwelling place within the Virgin Islands where a person resides or maintains living quarters for habitation on a seasonal, part-time, or other non-permanent basis, including a house, apartment, condominium, or other dwelling unit, or a vessel used as a place of abode while lawfully moored or berthed within the Virgin Islands. A “residence address” does not include a post office box, private mailbox, commercial mail receiving agency, or other mailing-only address that is not a physical dwelling. A person may maintain a residence address within the Virgin Islands while also maintaining a residence in another state, territory, or country, and may split time between jurisdictions throughout the year. For the avoidance of doubt, establishing a residence address within the Virgin Islands for purposes of this chapter does not require, and shall not be construed to establish, domicile, voting residency, or tax residency in the Virgin Islands.
- (u) “Semi-Automatic weapon” means any firearm, as defined in subsection (l) that has the capacity to fire one shot with each pull of the trigger without manually reloading.

(v) “Zip gun” or “ghost gun” means a home-made device that does not have a serial number and consists of a barrel, breechblock, or any other configuration that has a firing mechanism capable of discharging ammunition.

(w) “Short-barreled shotgun” or “sawed-off shotgun” means:

(1) a shotgun having a barrel or barrels of less than eighteen (18) inches in length; or

(2) any weapon made from a shotgun if such weapon as modified has an overall length of less than twenty-six (26) inches or a barrel or barrels of less than eighteen (18) inches in length.

§ 452. Applicability of chapter

No person shall have, possess, bear, transport or carry a firearm within the Virgin Islands, or engage in the business of dealer in firearms and/or ammunition or the business of gunsmith, except in compliance with the provisions of this chapter.

§ 453. Persons who may lawfully carry firearms

(a) The following persons, in the discharge of their official duties, and in accordance with and subject to the conditions and restrictions imposed by the laws and regulations applicable to their conduct, may lawfully have, possess, bear, transport and carry firearms in the Virgin Islands:

(1) Members of the Armed Forces of the United States or of the organized reserves;

(2) Officers and employees of the United States duly authorized by Federal law to carry firearms;

(3) Persons employed in fulfilling defense contracts with the United States Government or agencies thereof where possession or use of firearms is necessary under the provisions of such contracts;

(4) Members of the police force of the Virgin Islands, marshals, or other duly authorized peace officers; or

(5) Penitentiary and jail wardens and guards.

(b) The persons authorized by subsection (a) of this section lawfully to have, possess, bear, transport and carry firearms shall obtain such weapons and ammunition therefor only through the duly authorized officers or heads of their respective services or departments.

(c) For the avoidance of doubt, this section constitutes an express statutory exemption for purposes of section 473(d) of this chapter. Nothing in this chapter shall be construed to

prohibit a person described in subsection (a), in the discharge of official duties and in compliance with applicable federal law and the laws and regulations applicable to the person's service or department, from lawfully having, possessing, bearing, transporting or carrying a machine gun or other firearm otherwise restricted or prohibited for civilian possession or registration.

§ 454. Persons who may be licensed to carry firearms

A firearm or electronic weapon may be lawfully had, possessed, borne, transported or carried in the Virgin Islands by the following persons, provided a license for such purpose has been issued by the Commissioner in accordance with the provisions of this chapter:

- (1) A person having a residence address within the Virgin Islands, or a bona fide place of business within the Virgin Islands, who is otherwise qualified under this chapter and is at least 18 years of age;
- (2) A person licensed to and actively engaged in the business of manufacturing, repairing or dealing in firearms in the Virgin Islands, or the agents or representatives of any such person, having necessity to handle or use firearms in the usual or ordinary course of business; or
- (3) With respect to a rifle or a shotgun, a person possessing a valid and current Virgin Islands hunting license.

For purposes of paragraph (1), no applicant shall be required to demonstrate an atypical or extraordinary need, provide affidavits of third parties or character witnesses, or establish any “proper reason” beyond lawful purposes including self-defense.

For the avoidance of doubt, paragraph (1) requires only that an applicant maintain a residence address or bona fide place of business within the Virgin Islands, as those terms are defined in section 451, including on a seasonal or part-time basis, and does not require that an applicant establish domicile in the Virgin Islands or be treated as a resident of the Virgin Islands for voting, taxation, or other civil purposes as a condition of eligibility for a license issued under this chapter.

For purposes of paragraph (1), a vessel, including a houseboat, that is used as the applicant's principal place of abode while the vessel is lawfully moored or berthed within the Virgin Islands constitutes a residence address within the Virgin Islands.

§ 454a. Persons who may be licensed to carry a concealed handgun on a 24-hour basis

- (a) To obtain a license to carry a concealed handgun on 24-hour basis, the applicant must be at least 18 years of age, and in addition to the information required to be submitted with an application for a firearm license under section 455(a), an applicant for 24-hour concealed handgun license must also submit either of the following:

- (1) evidence of experience with a firearm through participation in organized shooting competitions or current military service; or
 - (2) evidence that, at the time the application is submitted, the applicant is a certified firearm instructor; or
 - (3) proof of an honorable discharge from a branch of the United States Armed Forces which reflects firearm qualifications obtained within the ten years preceding submittal of the application; or
 - (4) certification showing retirement from a Virgin Islands law enforcement agency which reflects firearm qualifications obtained within the ten years preceding submittal of the application; or
 - (5) a certificate of completion from a handgun training class obtained within the ten years preceding submittal of the application which includes the original signature of the class instructor; and
 - (6) a full-face frontal view color photograph of the applicant taken within the 30 days immediately preceding submittal of the license application, showing the applicant's full head, including hair and facial features, and the depiction of the applicant's head must measure one and one-eighth inches wide and one and one-fourth inches high. The applicant need not submit a photograph if the Commissioner photographs the applicant for purposes of issuing the license.
- (b) A person who has been issued a license to carry a concealed handgun on a 24-hour basis, shall carry the license and the valid photo identification at all times when the person is in actual possession of the handgun and shall produce both documents upon request by a law enforcement officer. Failure to produce the license upon request by a law enforcement officer raises a rebuttable presumption that the person does not have a license. The licensee has 24 hours after the request to produce the license and identification to the Commissioner. If the licensee does not produce the license and the identification card within 24 hours after the request, the Commissioner may suspend the license until the licensee produces the license and the identification card and the Commissioner verifies that the license remains valid; provided that cancellation of the license may occur only pursuant to section 459.
- (c) As used in this section the term—
- (1) "Handgun training class" means:
 - (A) a law enforcement training firearms safety course;
 - (B) a firearms safety course offered by a law enforcement agency, an institution of higher education, or a public or private institution or organization or firearms

training school that is open to the general public and is taught by a certified firearms instructor; or

(C) a firearms safety course or class that is offered and taught by a certified firearms instructor.

(2) “Training certificate” means a certificate, affidavit, or other document issued by the instructor, school, club, or organization that conducts a handgun training class that evidences an applicant’s successful completion of the class requirements.

(d) In addition to meeting the specific requirements of this section, an applicant for a firearm license under this section must also meet all the other requirements set forth in the other applicable provisions of this chapter and any other applicable provision of the Code.

(e) Federal law compliance; age limitations. Nothing in this section shall be construed to require or authorize the sale, delivery, or transfer of any firearm or ammunition in violation of federal law, including the age limitations applicable to sales by federally licensed firearms dealers under 18 U.S.C. § 922(b)(1) and implementing regulations.

(f) Public ferry rides. For the avoidance of doubt, a person who holds a valid license to carry a concealed handgun under this section, or who is recognized as having a valid license under section 460(b), may have and carry the concealed handgun concealed on their person while aboard a public passenger ferry operating within the Virgin Islands. Nothing in this subsection shall be construed to authorize possession of a firearm in any location where firearms are prohibited by federal law.

§ 455. Application for license; form, oath; fees

(a) Every application for a license to have and possess a firearm shall be made under oath and on forms which the Commissioner shall prepare for such purpose. For the purposes of the enforcement of the provisions of this chapter, the applicant shall furnish information reasonably necessary to verify identity, age, address or other eligibility, disqualifier status for background checks, and any training documentation required by statute for an initial license. Any additional information may be required only if specifically authorized by statute or by published regulation adopted pursuant to section 485, and shall be limited to objective information and may not be imposed as an ad hoc or unwritten requirement.

(b) The fee for an initial license under section 454 or 454a of this chapter shall be Twenty-Five Dollars (\$25.00). A license shall be renewed every five (5) years for a fee of Twenty-Five Dollars (\$25.00). The renewal fee shall be assessed per licensee and shall renew the licensee’s authority to possess and carry, as applicable, all firearms registered to the licensee; no separate per-firearm renewal fee may be required.

- (c) Upon renewal of a license to have and possess a firearm, the receipt from the Department for the renewal fee serves as a temporary license until the official license can be provided to the licensee by the Commissioner.
- (d) The Commissioner shall ensure that the renewal license is presented to the licensee within thirty (30) days of receipt of payment for the renewal fee.
- (e) Notwithstanding the provisions of this section, no person shall be charged with possession of an unlicensed firearm if the subject weapon had been previously licensed and said license has expired not more than ninety (90) days prior to arrest; provided, however, that this subsection shall not apply to persons who possess, bear, transport, carry or have under their control in any vehicle, any firearm during the commission or attempted commission of a crime of violence, as defined in subsection (d) of section 2253, Title 14, Virgin Islands Code.
- (f) For purposes of this section:
 - (1) "Handgun training class" means:
 - (A) a firearms safety course offered by a law enforcement agency, or a firearms training school that is open to the public and is taught by a certified firearms instructor; or
 - (B) a firearms safety course or class that is offered and taught by a certified firearms instructor.
 - (2) "Training certificate" means a certificate, affidavit, or other document issued by the instructor, a law enforcement agency, or firearms training school that conducts a handgun training class that evidences an applicant's successful completion of the class requirements.
- (g) Training requirement; concealed carry only. An applicant seeking a license to carry a concealed handgun on a 24-hour basis under section 454a shall submit evidence of firearms training or experience as required by section 454a(a) for initial application. No training certificate, course completion, or firearms familiarization requirement shall be required for renewal of a license to concealed carry nor to simply possess a firearm, including a rifle or shotgun, as a condition of registration of firearms under this chapter.
- (h) The Commissioner may not issue an initial license to carry a concealed handgun under section 454a unless the applicant has submitted the evidence of experience or training required by section 454a(a). A training certificate shall not be required for the issuance or renewal of a firearms license limited to possession of rifles or shotguns.
- (i) Revocation upon disqualification. Notwithstanding any other provision of this chapter, the Commissioner shall cancel or revoke a license issued under this chapter if, after issuance, the licensee becomes ineligible under section 456a; is convicted in or outside

the Virgin Islands of any crime of violence; is convicted of any felony violation of a narcotic or “harmful drug” law; is convicted for a felony violation of the provisions of this chapter; becomes mentally incompetent, as defined in section 458; or becomes an unlawful user of, or addicted to, a controlled substance, as defined in section 458. Any cancellation, suspension, or revocation under this subsection shall be effected pursuant to section 459.

- (j) At the time of each five-year renewal, a licensee shall submit a sworn statement on a form provided by the Department identifying all firearms then owned or possessed by the licensee and confirming the accuracy of the licensee’s entries in the Firearms Register. The submission of the sworn statement and payment of the renewal fee constitutes the five-year renewal registration of all firearms owned or possessed by the licensee. The Department shall update the Firearms Register accordingly. No physical inspection of firearms shall be required as a condition of renewal.

§ 455a. Supervised-training safe harbor

- (a) Safe harbor. Nothing in this chapter shall be construed to prohibit or criminalize the temporary handling, possession, or use of a firearm or ammunition by a person who does not yet hold a firearms license under this chapter, provided that:
 - (1) the person is not prohibited from possessing firearms or ammunition under federal law or the laws of the Virgin Islands;
 - (2) the person is under the direct supervision of (A) a certified firearms instructor or range safety officer, or (B) a person who holds a current firearms license issued under this chapter and who may lawfully possess the firearm;
 - (3) the handling, possession, or use occurs at a lawfully operated firing range or other training location where the discharge of firearms is lawful, and solely for firearms safety instruction, marksmanship training, or to complete or demonstrate proficiency in a training requirement for an application or endorsement under this chapter; and
 - (4) the firearm remains under the immediate control of the supervising person except when the trainee is actively firing or handling the firearm under instruction.
- (b) Transportation to and from training. A person who qualifies under subsection (a) may transport a firearm to and from a training location only if the firearm is unloaded and secured in a locked container, and only while traveling directly to or from such training, except for brief and reasonably necessary deviations.

- (c) Limitations. This section does not authorize (1) a transfer of ownership or possession outside the supervised training described in subsection (a); (2) the carrying of a firearm in public for self-defense or other purposes by a person who is not otherwise licensed under this chapter; or (3) possession in any location where firearms are prohibited by federal law.
- (d) Defense. Compliance with this section constitutes a complete defense to any prosecution under this chapter arising from the conduct described in subsection (a).

§ 456. Qualifications of applicant

- (a) The Commissioner shall not issue a license for firearms under section 454 or 454a of this chapter until:
 - (1) all the circumstance and facts set forth in the application have been investigated;
 - (2) the records of the Department and other available records have been examined;
 - (3) applicant provides documentation that the applicant has a residence address or bona fide place of business within the Virgin Islands, as those terms are defined in section 451. A post office box, private mailbox, commercial mail receiving agency, or other mailing-only address does not satisfy this requirement; provided, that an applicant may use a post office box as a mailing address in addition to a residence address. The Department shall accept as sufficient documentary proof of a residence address any of the following: (A) a deed, lease, rental agreement, notarized letter from the property owner or lessor, or other written evidence of a present right to occupy a dwelling unit at a physical address in the Virgin Islands; together with (B) a utility bill, internet/cable bill, insurance declaration page, property tax bill, bank statement, government correspondence, a current Virgin Islands driver's license or identification card, or similar document dated within the preceding ninety (90) days showing the same physical address. The Department shall accept as sufficient documentary proof of a bona fide place of business any of the following: (A) a current Virgin Islands business license, business registration, or employer documentation showing the applicant's regular work location; together with (B) a commercial lease, deed, or recent utility bill showing the physical address of the place of business; provided, however, that an applicant who resides aboard a vessel as the applicant's principal residence address within the Virgin Islands may satisfy this requirement by submitting documentary proof of current berth, moorage, or slip within the Virgin Islands, together with a mailing address within the Virgin Islands;
 - (4) if the applicant is a minor applying for a license limited to a rifle or shotgun, the applicant provides proof that the applicant is at least sixteen (16) years of age and provides written consent of a parent or legal guardian;

- (5) applicant provides a copy of a current and valid license to hunt in the Virgin Islands, if a nonresident;
- (6) if the applicant is an alien, applicant provides proof the applicant is bonded under applicable Federal and Virgin Islands statutes for employment with a person, firm, corporation or other business entity duly licensed in the Virgin Islands to carry on the business of providing security, guard, patrol and private detective services; provided, however, that in the case of any such bonded alien, the license shall be issued to the business entity by which the applicant is employed;
- (7) it is verified that applicant is not prohibited from possessing firearms under federal or territorial law, as interpreted and applied consistent with the United States Constitution and controlling precedent;
- (8) applicant's fingerprints have been duly taken and/or checked with the records of the Department or other appropriate sources;
- (9) a check has been conducted of all available state and federal criminal data banks and that the issuance of a license to possess a firearm in the Virgin Islands does not violate any state or federal law, as interpreted and applied consistent with the United States Constitution and controlling precedent; and
- (10) the applicant is not ineligible under section 456a, and none of the grounds for denial set forth in section 458 applies.

The Commissioner shall issue a license to any applicant who satisfies the objective criteria of this chapter and shall not deny an application based on the absence of a special need or other discretionary criteria not expressly provided by law.

§ 456a. Persons ineligible to possess or carry firearms or ammunition

- (a) The following persons are ineligible for a license to have, possess, bear, transport, or carry a firearm or ammunition under this chapter, and are prohibited from possessing or carrying a firearm or ammunition in the Virgin Islands, except as otherwise expressly provided by law:
 - (1) a person who has been convicted in any court of a crime of violence, or of a felony violation of a narcotic law, or of a felony violation of a harmful drug law, or of a felony violation of the provisions of this chapter;
 - (2) a person who is a fugitive from justice;
 - (3) a person who is an unlawful user of, or addicted to, a controlled substance, as that term is defined in section 458 of this chapter;

(4) a person who has been adjudicated as mentally incompetent or who has been committed to a mental institution:

(A) For purposes of this section, “committed to a mental institution” means a formal, involuntary commitment by a court, board, commission, or other lawful authority. The term includes a commitment for mental defectiveness or mental illness, including commitments for: (i) inpatient treatment; (ii) a finding of not guilty by reason of insanity; or (iii) a finding of incompetence to stand trial. The term does not include voluntary admission for evaluation or treatment, or a temporary emergency hold for observation that does not constitute a formal commitment.

(B) For purposes of this section, “mental institution” means a facility that provides services for persons with mental illness, mental defectiveness, or related conditions, including a mental hospital, sanitarium, psychiatric facility, or psychiatric ward of a public or private hospital.

(5) a person who is an alien illegally or unlawfully present in the United States;

(6) a person who has been discharged from the Armed Forces under dishonorable conditions;

(7) a person who, having been a citizen of the United States, has renounced United States citizenship;

(8) a person who is subject to a court order that:

(A) was issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate;

(B) restrains the person from harassing, stalking, or threatening an intimate partner of the person or a child of the person or intimate partner, or from engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the intimate partner or child; and

(C) (i) includes a finding that the person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(9) a person who has been convicted in any court of a misdemeanor crime of domestic violence.

(b) Relief from disability. A conviction or adjudication described in subsection (a)(1), (a)(4), or (a)(9) shall not render a person ineligible under this section if the conviction or

adjudication has been expunged, set aside, or vacated, or if the person has been pardoned or has had civil rights restored, unless the expungement, pardon, or restoration expressly provides that the person may not possess firearms or ammunition.

(c) Definitions. For purposes of subsection (a)(8) and (9):

- (1) “Intimate partner” means a spouse or former spouse, a parent of a child of the person, an individual who shares a child in common with the person, or an individual who cohabits or has cohabited with the person as a spouse, parent, or guardian.
- (2) “Misdemeanor crime of domestic violence” means an offense that is a misdemeanor under federal, territorial, state, local, or tribal law; that has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon; and that is committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

§ 456b. Uniform administration; limitations on discretionary practices; constitutional safeguards.

- (a) Uniform standards. The Commissioner and the Department shall administer this chapter under narrow, objective, and definite standards and shall apply the same standards uniformly throughout the Virgin Islands. No Police District may impose additional substantive licensing, registration, or permitting requirements beyond those expressly provided by statute or duly promulgated regulation.
- (b) Regulations; no unwritten rules. Any substantive requirement, limitation, condition, or disqualifier affecting the issuance, renewal, suspension, revocation, registration, or recognition of a license under this chapter shall be established by statute or by regulation promulgated in accordance with the Virgin Islands Administrative Procedures Act. Unpublished policies, forms, or practices shall not be used as independent grounds to deny or delay an application.
- (c) Searches and inspections; no home inspections; no mandatory firearm inspections. No applicant or licensee shall be required, as a condition of issuance, renewal, endorsement, or registration under this chapter, to submit to any inspection of the person’s home, residence address, curtilage, or place of abode, or to present any privately owned firearm for physical inspection, test-firing, serial number verification, or similar examination. Any request by the Department to inspect a privately owned firearm or to enter a home shall be valid only if supported by a warrant based on probable cause, voluntary and informed consent, or other lawful authority independent of licensing. Nothing in this subsection limits lawful compliance inspections of licensed dealers, firearms manufacturers, or gunsmiths at their licensed business premises consistent with the Fourth Amendment and as otherwise authorized by law.

- (d) Training certificates; no local-only certification requirement. For purposes of sections 454a and 455, the Department shall accept a training certificate or other qualifying evidence from any certified firearms instructor, law enforcement agency, or firearms training school, as those terms are defined in this chapter. The Department may not require that training be conducted at a government-owned range or exclusively by instructors employed by the Department.
- (e) Processing deadlines; deemed approval. Within seven (7) calendar days after receipt of an application for an initial license, a renewal, or the five-year renewal registration required under section 455(k), the Department shall provide written notice identifying any information or documentation required by statute or duly promulgated regulation that is missing from the submission; if no such notice is provided, the application shall be deemed complete. The Commissioner shall approve and issue, or deny in writing, a complete application for an initial license or renewal within thirty (30) calendar days after the date the application is deemed complete. Any denial shall state with particularity the statutory ground or grounds for denial and the factual basis for the denial. If the Commissioner does not approve and issue the license, or deny the application in writing, within thirty (30) calendar days, the application shall be deemed approved by operation of law, and the applicant shall be entitled to immediate issuance of the license; a license deemed approved under this subsection shall be valid unless and until suspended or revoked pursuant to this chapter. A timely filed renewal application shall extend the existing license until the renewal is approved or denied, or deemed approved, pursuant to this subsection.
- (f) Failure to comply; summary relief. Failure to comply with the requirements and deadlines in subsection (e), including failure to issue a license or renewal following a deemed approval, may be challenged by filing a request for summary relief with the Firearms Review Board pursuant to section 472. The Board shall provide expedited review and may order the issuance of the license or other appropriate relief. Nothing in this subsection limits the applicant's right to seek judicial review in a court of competent jurisdiction pursuant to section 472.
- (g) Limitation on denials based on firearm type or accessories. The Commissioner may deny a license, registration, or transaction only for reasons expressly authorized by statute. The Commissioner shall not deny, restrict, or impose conditions on the possession, registration, or licensing of a firearm, magazine, suppressor, ammunition, or other firearm component that is lawful under federal and territorial law, except pursuant to an express statutory prohibition.
- (h) Civilian administration; civilian staffing; Director of Firearms Licensing and Registration. Notwithstanding any other provision of law, the Commissioner shall ensure that the Firearms Division of the Department responsible for the processing and administration of firearms licenses and registrations under this chapter, including the maintenance of the Firearms Register and the administration of fees and the fund established under section 483, is staffed and supervised exclusively by civilian employees in the classified service of the Government of the Virgin Islands. No person assigned to,

detailed to, contracted by, or otherwise employed in such Division may be, or have ever been, a sworn law enforcement officer of the Department. The administration of firearms licenses and registrations under this chapter is directed by the Director, who shall be a civilian employee in the classified service of the Government of the Virgin Islands and who shall not be, and shall not have ever been, a sworn law enforcement officer of the Department. The Director shall serve as the Commissioner's designee for the receipt, processing, issuance, renewal, denial, limitation, suspension, and revocation of firearms licenses and registrations under this chapter, including the maintenance of the Firearms Register and the administration of fees and the fund established under section 483. For the avoidance of doubt, nothing in this subsection confers upon the Director or any civilian employee any arrest power or other law-enforcement authority; all such authority remains with sworn officers of the Department and other peace officers as provided by law.

- (i) Limitations on time and place; prohibition on ad hoc license conditions. Except as expressly authorized by statute, the Commissioner and the Department may not impose, and no license issued under this chapter may state, any restriction on the times, places, or circumstances in which a licensee may lawfully possess, transport, or carry a firearm. Any restriction on the location of possession or carry shall be limited to locations where firearms are prohibited by federal law or expressly prohibited by the laws of the Virgin Islands. For the avoidance of doubt, nothing in this subsection alters statutory distinctions between possession and concealed carry under section 454a or other scope limitations expressly set forth in this chapter.

§ 456c. Annual permits and registration statistics report

- (a) Records; statistics maintained. The Director shall maintain statistics comparing the number of applications for firearms licenses, renewals, and endorsements requested, issued, denied, deemed approved, and pending; the number of firearms registered; and average and median processing times and outcomes of administrative reviews under section 472.
- (b) Annual report. The Director shall annually submit to the Governor and the Legislature a report containing the statistics described in subsection (a) for the preceding calendar year, together with any recommendations for administrative or legislative action to improve timely, uniform, and constitutional administration of this chapter.
- (c) Public posting; confidentiality preserved. The report required under subsection (b) shall be posted on the Department's public website; provided, that the report shall be limited to aggregate information and may not include any personally identifying information of applicants or licensees, firearm serial numbers, or other information made confidential under section 473a.

§ 457. Contents of license

- (a) A license issued pursuant to the provisions of sections 454 and 454a of this chapter must be in duplicate and shall provide for the following:
 - (1) the name, address, description, and signature of the licensee;
 - (2) That the same is not transferable and shall be carried by the licensee at all times when in possession of any firearm registered to the licensee;
 - (3) The term thereof, which shall not exceed five years, including a license issued under section 454a;
 - (4) Description of the firearm or firearms registered to the licensee, including serial number(s), if any—provided that such descriptions may be maintained in the Firearms Register and referenced by license number, and the Department may issue a separate registration record for each firearm;
 - (5) Grounds for issuance;
 - (6) Grounds for revocation; and
 - (7) A dealer's coupon which shall be removed and retained by any person who sells or otherwise provides the licensee with any firearm contemplated in such license.
- (b) The original license must be delivered to the licensee not later than 30 days after the filing of the application, and the duplicate must be preserved for at least 10 years.
- (c) A license issued under this chapter is issued to the person of the licensee, and may cover all firearms registered to that licensee in the Firearms Register. The Commissioner and the Department shall not require or impose separate per-firearm renewal fees as a condition of maintaining a valid license.

§ 458. Grounds for refusing to issue license

- (a) The Commissioner shall not issue or renew a license to have and possess a firearm to any person convicted in or outside the Virgin Islands of any crime of violence; or of any felony violation of a narcotic or “harmful drug” law; nor to any person who is mentally incompetent; nor to any person who is an unlawful user of, or addicted to, a controlled substance; nor to any person convicted for a felony violation of the provisions of this chapter.
- (b) As used in this section:
 - (1) “Mentally incompetent” means a person who has been adjudicated as a mental defective or otherwise mentally incompetent by a court, board, commission, or other lawful authority of competent jurisdiction, or who has been involuntarily committed

to a mental institution by a court of competent jurisdiction, due to a finding that the person, as a result of mental illness, condition, or disease, poses a danger to self or others or lacks the capacity to safely possess firearms; provided, that voluntary counseling or voluntary treatment alone shall not constitute mental incompetence for purposes of this section.

- (2) “Unlawful user of, or addicted to, a controlled substance” means a person who is a current unlawful user of, or currently addicted to, a controlled substance, as demonstrated by reliable evidence within the preceding twelve (12) months, including a qualifying conviction, judicial finding, probation condition, or court-ordered treatment; provided that the Commissioner shall state the specific record relied upon.
- (3) “Controlled substance” includes any “narcotic drug” or “harmful drug,” and any other controlled substance as defined by applicable federal or territorial law.
- (c) There is a rebuttable presumption that an applicant is an unlawful user of, or addicted to, a controlled substance if, within the preceding twelve (12) months, the applicant has been convicted of a controlled substance offense, has been found by a court to be an unlawful user of or addicted to a controlled substance, or has been ordered by a court to participate in substance abuse treatment. Notwithstanding the foregoing, the Commissioner shall issue a license if the applicant provides competent evidence from a licensed health care professional demonstrating that the applicant is not a current unlawful user of, or addicted to, a controlled substance.
- (d) Not later than 30 days after an applicant has filed an application for a license under section 454 or 454a, the Commissioner shall provide a written explanation either mailed or hand-deliver to an applicant who has been denied a license. The written explanation shall identify the specific statutory disqualifier(s) under this section and the specific record(s) relied upon.
- (e) The Commissioner shall not issue a license to have and possess a firearm to persons employed by private security guard or investigative agencies, as defined in subsection (g) of section 1301 of this title, unless and until such persons (i) have successfully completed the psychological and drug and alcohol abuse tests authorized to be administered by the Department of Health pursuant to the provisions of section 418a of chapter 23 of Title 3, Virgin Islands Code, and (ii) have successfully completed a comprehensive course in the proper handling and use of firearms, including a comprehensive examination at the conclusion thereof, that is comparable in scope to that administered to appointees of the Police Division of the Department pursuant to the authority of section 258, Title 3, Virgin Islands Code, as determined under objective criteria established by regulation adopted pursuant to section 485 of this chapter; provided, however, that once such persons have complied with requirements under this subsection, such persons will be deemed to have complied with these requirements for all future applications for licenses to have and possess firearms, or for renewals of such licenses.

§ 459. Cancellation or suspension of license

- (a) For the avoidance of doubt, a cancellation of a firearms license under this section constitutes a revocation for purposes of section 472(g).
- (b) Firearms Review Board required. A firearms license issued under this chapter may be cancelled or revoked only upon a written decision of the Firearms Review Board (the “Board”) established under section 472, after due notice and an expedited hearing. Except as provided in subsection (f), a suspension likewise may be imposed only by a written decision of the Board.
- (c) Initiation; notice; hearing deadline. The Commissioner may initiate a proceeding under this section by serving the licensee with written notice stating with particularity the statutory ground or grounds alleged and the factual basis for the proposed cancellation, revocation, or suspension, and by promptly transmitting the matter to the Board. Notwithstanding section 472(d), the Board shall conduct the hearing not later than fourteen (14) calendar days after the date of service of the notice, unless continued for good cause shown; provided that any continuance requested by the licensee tolls the deadlines in this subsection.
- (d) Grounds. The Board may cancel, revoke, or suspend a license only if the Board finds, by a preponderance of the evidence, by majority vote of the members present and voting, that:
 - (1) The license was issued based on a materially false statement or concealment of a material fact on the part of the applicant;
 - (2) The licensee was not in fact entitled to such license pursuant to the provisions of this chapter; or
 - (3) The licensee commits any act in violation of the terms of the license, or of any provision of this chapter, warranting the cancellation, revocation, or suspension of the license.
- (e) Pending the Board’s decision, the Commissioner may require the licensee to surrender to the Commissioner, or to a peace officer acting on behalf of the Commissioner, the firearm acquired and possessed by virtue of said license only upon a written finding, supported by specific and articulable facts, that the licensee is ineligible to possess firearms under this chapter or presents an imminent and credible threat to the physical safety of the licensee or another person, and any surrendered firearm shall be receipted and stored in accordance with law and returned promptly upon reinstatement of the license unless otherwise ordered by a court of competent jurisdiction.
- (f) Emergency suspension. If the Commissioner has a reasonable belief, based on specific and articulable facts, that a licensee no longer meets the criteria specified in this chapter

or that the licensee presents an imminent and credible threat to the physical safety of the licensee or another person, including where the licensee is subject to a restraining order or order of protection issued after notice and an opportunity to be heard that includes a finding that the licensee represents a credible threat to the physical safety of another person or, by its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against such person, the Commissioner may suspend the firearm license as an emergency measure pending the Board's expedited hearing and decision. The Board shall afford the licensee a prompt post-suspension hearing not later than fourteen (14) calendar days after the suspension, unless continued for good cause shown; provided that any continuance requested by the licensee tolls the deadlines in this subsection, and the Commissioner bears the burden of establishing by clear and convincing evidence that the licensee remains ineligible under this chapter or poses such credible threat. The suspension shall not remain in effect beyond thirty (30) days unless, after notice and an opportunity to be heard, the Board enters a written order continuing the suspension based on specific written findings, supported by specific and articulable facts, that the licensee remains ineligible under this chapter or poses such credible threat.

- (g) Written explanation; judicial review. Not later than seven (7) calendar days after the Commissioner imposes an emergency suspension under subsection (f), or after the Board issues a written decision under this section, the Commissioner shall provide a written explanation by certified mail or hand-delivery to the licensee. The written explanation shall notify the licensee of the right to judicial review in a court of competent jurisdiction pursuant to section 472(g).

§ 460. Reciprocal recognition of out-of-state licenses

- (a) Any marshal, sheriff, constable, police, or other peace officer (including, but not limited to, sworn, auxiliary, or reserve police), of any state or territory of the United States, whose duty it is to serve process and make arrests, may, while travelling through or in the Virgin Islands, carry such weapons or equipment as has been authorized by the person's appointing authority.
- (b) A person who is not a resident of the Virgin Islands and who holds a current and valid license or permit to carry or possess a firearm issued by any State, Territory, or the District of Columbia is recognized as having a valid firearms license under this chapter for purposes of possession while temporarily present in the Virgin Islands, and for purposes of carry only if the license or permit authorizes the person to carry a firearm on or about the person in public (whether concealed or openly), for a period not to exceed ninety (90) days after entry, provided the person (1) is not prohibited from possessing firearms under federal law or the laws of the Virgin Islands; (2) carries the license or permit and government-issued photo identification; and (3) declares any firearm or ammunition brought into the Virgin Islands in accordance with section 470. For the avoidance of doubt, a credential that authorizes only purchase, acquisition, or possession of a firearm, and does not authorize public carry, is recognized under this section only for

purposes of possession, transport, and storage and does not authorize carry in the Virgin Islands.

- (c) A person who remains in the Virgin Islands for more than ninety (90) days shall apply for a firearms license under this chapter.
- (d) Publication of recognized licenses and permits. The Department shall publish and maintain, on its public website and in a conspicuous location at each Police District station, a list of the licenses and permits recognized under this section. The list shall be published not later than fourteen (14) calendar days after the effective date of this section and shall be reviewed and updated at least annually thereafter. For the avoidance of doubt, the list is for public guidance only, and the failure to publish or timely update the list shall not be construed to narrow or limit the recognition provided by this section.
- (e) Reciprocity outreach; reciprocal agreements. The Director shall actively solicit, negotiate, and pursue reciprocal recognition agreements, memoranda of understanding, or other written determinations with States, the District of Columbia, and other United States territories or possessions, with the goal of facilitating lawful travel and possession or carry by Virgin Islands firearms licensees when temporarily present in such jurisdictions, subject to the laws of those jurisdictions. The Director may provide official descriptions and certifications of the Virgin Islands firearms licensing and registration framework as reasonably requested by other jurisdictions. The Director shall also publish and maintain, on the Department's public website, a list of jurisdictions that recognize Virgin Islands firearms licenses or permits, and shall review and update such list at least annually.

§ 461. License to sell firearms and/or ammunition; gunsmiths; report of transactions; private transfer sales to minors or aliens

- (a) No person may engage in the business of dealer in firearms and/or ammunition or as a gunsmith without holding a license therefor issued by the Commissioner of Licensing and Consumer Affairs. The Police Commissioner shall provide a written report to the Commissioner of Licensing and Consumer Affairs within thirty (30) calendar days after receipt of an application under section 462, based solely on the objective eligibility criteria set forth in this chapter. A report recommending denial shall state with particularity the statutory ground or grounds for denial and the specific record or facts relied upon.
- (b) Each transaction referring to the importation, or to the sale of firearms and ammunition between dealers, shall be reported to the Commissioner on forms which he shall provide, and the name, domicile, place of business, and the number of the license of the vendor and vendee, as well as the quantities and descriptions of the firearms or ammunition which are the subject of each transaction, shall be set forth therein, as prescribed by regulation promulgated pursuant to section 485.
- (c) Any person, not otherwise engaged in the business of a dealer in firearms and/or ammunition, may transfer a firearm to another by sale, gift, exchange, or otherwise only

upon prior reporting to the Commissioner, on forms prescribed by regulation promulgated pursuant to section 485, the details of the proposed transaction. The Commissioner shall thereupon determine, based solely on the objective criteria set forth in this chapter, whether the proposed transferee is eligible to possess firearms and whether the firearm is eligible for registration under section 473. For a firearm or device described in section 481b(a), the Commissioner shall not approve a transfer unless the proposed transferee demonstrates eligibility to possess and register that firearm or device under section 481b or section 481c, as applicable. The Commissioner may require only such additional objective information as is expressly authorized by statute or duly promulgated regulation and necessary to verify identity or eligibility. The Commissioner shall approve or deny the reported transfer in writing within fourteen (14) calendar days after receipt of a complete report; if the Commissioner does not approve or deny within that period, the transfer shall be deemed approved for purposes of this chapter. Nothing in this subsection shall be construed to authorize any transfer prohibited by federal law.

- (d) Transfers to minors; limited long gun exception. No person, licensed or otherwise, may sell or furnish firearms or ammunition to a minor; provided, however, that a parent, legal guardian, or other responsible person acting with the written consent of a parent or legal guardian may sell, gift, transfer, or furnish a shotgun or rifle and ammunition therefor to a minor who (1) is at least sixteen (16) years of age and (2) displays a hunting or sporting license issued in accordance with the laws of the Virgin Islands.
 - (1) Any permanent transfer under this subsection shall be effected in accordance with subsection (c) of this section and section 489, and shall not authorize any transfer prohibited by federal law.
 - (2) The Commissioner may prescribe, by regulation promulgated pursuant to section 485, objective limitations on the type of shotgun or rifle eligible for transfer under this subsection, provided that such limitations are narrowly tailored to hunting or sporting purposes and do not operate as a de facto denial.

§ 461a. License to manufacture firearms and ammunition; federally licensed manufacturers; scope; transfer and shipment

- (a) License required. No person shall engage in the business of manufacturing firearms, frames or receivers, or ammunition in the Virgin Islands unless the person holds (1) a current federal firearms license authorizing such manufacture, and (2) a territorial firearms manufacturer license issued under this chapter.
- (b) Application; term; renewals; fee. An application for a territorial firearms manufacturer license shall be made, processed, issued, renewed, and may be denied, suspended, or revoked only in accordance with sections 462 through 468 of this chapter, to the extent applicable. The annual fee for a territorial firearms manufacturer license shall be the same as the annual fee for a dealer's license under section 462(c), unless otherwise provided by law.

- (c) Scope. A license issued under this section authorizes the licensee, and any agent or employee acting within the scope of employment, to receive, possess, make, assemble, repair, modify, test, store, transport, and ship firearms and ammunition in the ordinary course of business, consistent with federal law, and subject to the limitations of this chapter.
- (d) Federally regulated firearms and devices. A licensee may manufacture, make, or otherwise deal in any federally regulated firearm or device only in accordance with federal law and section 481d of this chapter.
- (e) Construction; prohibited persons. Nothing in this section shall be construed to authorize manufacture, possession, or transfer by any person prohibited from possessing firearms or ammunition under federal or territorial law, or to authorize any transfer prohibited by the laws of any receiving jurisdiction.

§ 462. Application for dealer's or gunsmith's license; form and content; term; fee; renewals

- (a) Any person wishing to obtain a license to engage in the business of dealer in firearms and/or ammunition or the business of gunsmith, or both, shall file with the Commissioner of Licensing and Consumer Affairs a sworn application on forms provided by the Commissioner of Licensing and Consumer Affairs in consultation with the Police Commissioner. The application shall be limited to objective information reasonably necessary to determine eligibility under this chapter, and any additional information may be required only if specifically authorized by statute or by regulation promulgated pursuant to section 485. Such application shall be transmitted to the Police Commissioner. The Police Commissioner shall investigate the statements set forth in the application and examine the records of the Department and other available records for the purpose of determining whether any statutory ground for denial applies, including whether the applicant has been convicted of any crime of violence. Within thirty (30) calendar days after receipt of a complete application, the Police Commissioner shall certify in writing to the Commissioner of Licensing and Consumer Affairs whether the applicant is eligible or ineligible under this chapter. A certification of ineligibility shall state with particularity the statutory ground or grounds for denial and the specific record or facts relied upon. Where the applicant is a corporation, limited liability company, or partnership, no license shall be issued if any officer of the corporation, any manager or managing member of the limited liability company, or any partner of the partnership, has been convicted of any crime of violence.
- (b) Licenses hereunder shall be issued for a term of one year, expiring in any event on the 15th day of January succeeding the date of issuance.
- (c) The annual fee for a license as a dealer in firearms and/or ammunition shall be \$100, for a license as gunsmith, \$100, and for a license as both, \$150.

§ 463. Qualifications of dealer or gunsmith

No license to engage in the business of gunsmith or of dealer in firearms and/or ammunition shall be issued to a person not over 21 years of age, and not a resident of the Virgin Islands and a citizen of the United States.

When the applicant is a corporation or a limited liability company, it shall be organized under the laws of the Virgin Islands, and if a partnership, all partners shall be residents of the Virgin Islands and citizens of the United States.

§ 464. Corporation, limited liability company, or partnership application for license

Where the applicant is a corporation, a limited liability company, or a partnership, the application shall be signed and sworn to by the president, the secretary and the treasurer of the corporation; by the manager or a managing member of the limited liability company; or by all the managing partners of the partnership; and it shall set forth the name of the corporation, limited liability company, or partnership, the place and date of incorporation or organization thereof, and the principal place of business. The requirements of subparagraphs (3) and (4) of section 456 of this chapter shall be applied to the president, the secretary, and the treasurer of the corporation; to the manager or managing member signing on behalf of the limited liability company; and, in the proper case, to all partners of the partnership. A license issued under the provisions of this section shall be valid only for the business establishments named and described in the license. Said license may not be transferred to any other business establishment or to any other person and shall be automatically cancelled upon the dissolution of the corporation, limited liability company, or partnership; upon the replacement of any of the corporate officers or limited liability company manager or managing member signing the application; or upon the admission of any new partner in the case of a partnership or any new managing member in the case of a limited liability company, even though such license may be renewed as soon as the provisions of subparagraphs (3) and (4) of section 456 of this chapter in connection with the new officer, manager, managing member, or partner are complied with. In these cases, the Commissioner may issue a provisional license for a term of not more than thirty days while the renewal is being processed.

§ 465. Conditions for dealers' operations; records of transactions

Any person, to whom a license has been issued under section 461 of this chapter may engage in the business of gunsmith or of dealer in firearms and/or ammunition under the following conditions.

- (1) The business shall be operated only on the premises specified in the license.
- (2) The license, or a copy thereof, certified by the authority issuing the same, shall be posted in the establishment so that it may be easily read.
- (3) Under no circumstance shall a weapon or shall ammunition be sold unless the vendor is personally acquainted with the buyer or the latter clearly establishes the person's identity.

- (4) A record in triplicate shall be kept of each firearm sold and of each sale of ammunition, on books devoted to this purpose which shall be printed in the manner prescribed by regulation promulgated pursuant to section 485 and the record of each sale shall be personally signed by the buyer and by the person making the sale, each in the presence of the other; and such record shall set forth the day and hour of the sale, caliber, manufacture, model and factory number of the weapon, caliber mark, and quantity of ammunition, the name, birthplace, address and occupation and the buyer. Said record shall also contain a thumb-print of the buyer and shall also set forth whether the buyer is personally known to the vendor, and in case he should not be the manner in which the buyer established the person's identity. The vendor shall transmit a copy of such record by registered mail, within 24 hours following the sale, to the Commissioner; he shall send the duplicate within 48 hours following the sale to the Attorney General and shall keep the triplicate for six years.
- (5) A licensee, if limited to the business of a gunsmith, shall not be required to forward reports of the work performed under said license, but shall maintain at the person's place of business an accurate and legible accounting of the nature and type of the jobs or work performed, together with a name and address of the customers, a description of the firearm, including the serial number which accounting shall be available for inspection by the Commissioner or the Commissioner's designee during normal business hours.
- (6) The licensee may not place or cause to be placed any firearm or ammunition in any window display visible from any street or sidewalk.
- (7) The licensee shall keep all firearms in a securely locked place except when being shown to a customer or being repaired or lawfully transported.
- (8) The licensee may not knowingly employ anyone in the licensees' business or establishment through which the licensee operates the business pursuant to this chapter, if such person would not be eligible to register a firearm.

§ 466. Sales of weapons and ammunition without licenses prohibited; sales slips

- (a) No dealer in firearms or ammunition shall deliver a firearm to a purchaser without the latter's presenting to him a valid firearms license, duly issued in accordance with the provisions of this chapter, and unless the dealer complies with all registration and recordkeeping requirements applicable to the transfer. The dealer shall not require that the firearms license itself identify a particular firearm, and a firearms license authorizes the purchase of any firearm that the purchaser may lawfully acquire under this chapter. No weapon shall be sold to the holder of a license that has been cancelled or suspended, and the same shall be delivered to him unloaded and securely wrapped.
- (b) No dealer in firearms or ammunition shall sell any quantity of ammunition to any person failing to present a valid firearms license or other lawful credential recognized by this chapter.

(c) Except in the case of the sale or transfer to another dealer or peace officer, as defined in 5 V.I.C. § 3561, no licensed dealer may transfer or sell ammunition unless:

(1) The transfer is made in person; and

(2) The purchaser presents a valid firearms license and the ammunition to be purchased or transferred is not otherwise prohibited by law.

(d) Federal law compliance; age limitations. Nothing in this section or this chapter shall be construed to require or authorize any dealer, including a federally licensed firearms dealer, to sell, deliver, or otherwise transfer any firearm or ammunition in violation of federal law, including the age limitations applicable to sales by federally licensed firearms dealers under 18 U.S.C. § 922(b)(1) and implementing regulations.

§ 467. Selling firearms and ammunition without a license

Whoever, without being licensed in accordance with the provisions of this chapter, sells, has in the person's possession with the intent to sell, exposes for sale, or advertises for sale, any firearm or ammunition, or without being so licensed engages in the business of a gunsmith, shall be fined a minimum of \$5,000 or five (5) years imprisonment or both; and a maximum of not more than \$10,000 or ten (10) years imprisonment or both.

§ 467a. Importation of firearms without a license

Except as provided in section 476 of this chapter, whoever, without being licensed in accordance with this chapter, knowingly imports, carries, or brings any firearm or ammunition into the Virgin Islands and knowingly fails to report or declare such firearm or ammunition to the Commissioner as required by section 470 of this chapter shall be guilty of a felony and shall be punished by a fine of not more than \$50,000 or imprisonment for not more than twenty-five (25) years, or both fine and imprisonment.

§ 468. Cancellation of license

A license to engage in the business of dealer in firearms and/or ammunition or the business of a gunsmith may be cancelled by the Commissioner of Licensing and Consumer Affairs only after due notice and hearing if the Commissioner finds, by a preponderance of the evidence, that:

(1) that such license was issued based on a materially false statement or concealment of a material fact on the part of the applicant; or

(2) that the licensee was not in fact entitled to such license pursuant to the provisions of this chapter; or

(3) that the licensee commits any act in violation of the terms of the license, or of any provisions of this chapter warranting the cancellation of the license.

Upon such finding, the Commissioner of Licensing and Consumer Affairs may cancel the license.

§ 469. Report by carrier, warehouseman or depositary; delivery to consignee

Every water, air or overland carrier, and every warehouseman or depositary who receives firearms or ammunitions for delivery in the Virgin Islands shall within five (5) calendar days after receipt notify such fact and the name and address of the consignee to the Commissioner and shall not deliver said merchandise to such consignee until he is authorized to do so by the Commissioner. Failure to discharge any duty herein imposed shall be punishable by a fine of not more than two thousand (2,000) dollars, or by imprisonment in jail for not more than one (1) year, or both.

§ 470. Report of firearms purchased outside or brought into the Virgin Islands; fees; penalty

- (a) Any person upon entering the Virgin Islands and bringing any firearm or ammunition shall declare all firearms and ammunition to the Commissioner or the Commissioner's designee immediately upon arrival to any port of entry and shall furnish a complete description of all firearms and ammunition brought into the Virgin Islands. The person shall also furnish the person's own name, address, date of birth and occupation.
- (b) Any person upon entering the Virgin Islands with regulated firearm components shall declare the regulated firearm components to the Commissioner or designee immediately at any port of entry. If the regulated firearm components are being mailed or shipped to the Virgin Islands, the person shall also declare the regulated firearm components to the Commissioner upon their arrival into the Virgin Islands. The declaration must include a complete description of the regulated firearm components, along with the person's name, address, date of birth, and occupation. All individuals having possession of regulated firearm components must also register them with the proper authorities. Nothing in this subsection shall be construed to require the declaration or registration of ordinary, non-controlled firearm parts used for lawful maintenance, repair, or customization of a lawfully possessed firearm.
- (c) If the person making a declaration under subsections (a) or (b) is qualified for a license to carry firearms in the Virgin Islands, or is recognized as lawfully licensed pursuant to section 460(b) of this chapter, the Commissioner shall allow lawful possession and the firearm shall be registered in the Firearms Register provided for in section 473 of this chapter. A person recognized under section 460(b) shall not be required to obtain a separate Virgin Islands firearms license or pay an additional licensing fee for the period of recognition. If the person is not qualified for a license or recognition then the Commissioner shall retain the firearms, or components for disposition in accordance with the provisions of section 475 of this chapter, but no prosecution shall lie against the person for unlawful possession of the firearm, or components.

- (d) For purposes of subsection (b), “regulated firearm components” means (1) the frame or receiver of a firearm, including any unfinished frame or receiver (including one produced by three-dimensional printing), and any firearm parts kit that contains a frame or receiver or unfinished frame or receiver and that is designed to or may readily be completed, assembled, or converted to function as a firearm; and (2) any conversion kit or machine gun conversion device as defined in section 481a of this chapter. The term does not include barrels, stocks, grips, trigger mechanisms, magazines, sights, or other parts that are not themselves firearms under federal law.
- (e) Any person who knowingly and willfully violates subsection (b), or who knowingly and willfully possesses undeclared regulated firearm components, shall be punished for a felony under section 484 of this chapter; provided, that no person shall be convicted under this subsection unless the Government proves beyond a reasonable doubt that the person knew the item was a regulated firearm component as defined in subsection (d).
- (f) Declaration not consent; no independent search authority. The declaration requirement under this section is an administrative reporting requirement and does not constitute consent to search and does not waive any right secured by the Fourth Amendment to the United States Constitution. Nothing in this section, or in section 470a, shall be construed to authorize any officer or employee of the Department, or any territorial officer, to search a person, luggage, baggage, container, vehicle, or other effects, or to open or inspect any locked container, solely on the basis that a firearm or ammunition has been declared or is required to be declared. Any search or inspection of luggage, baggage, containers, or personal effects shall be conducted only pursuant to a judicial warrant or other lawful authority independent of this chapter, including voluntary, informed consent or exigent circumstances recognized under law. For the avoidance of doubt, an officer may request that the declarant voluntarily present the firearm and ammunition for the limited purpose of completing the declaration and ensuring safe handling during the declaration process, but the declarant’s refusal to consent to a search of luggage or other effects may not be treated as a violation of this chapter. Nothing in this subsection shall be construed to limit lawful security screening or searches conducted by federal officers or airport security personnel pursuant to federal law.

§ 470a. Port locations designated for registration of firearms and ammunition

The Virgin Islands Port Authority shall designate a location at each port of entry for registration of firearms, ammunition, or regulated firearm components and shall post clearly visible signage notifying all persons of the requirements of section 470.

§ 471. Report of loss of firearm

Every person possessing or having under the person’s control a firearm, and who loses the same or finds that it has disappeared, shall report the same to the Commissioner within fourteen (14) calendar days, following the person’s discovery of such loss or disappearance, and in the event of the person’s failing to do so such person shall be fined not more than \$100.

§ 472. Appeals; Firearms Review Board.

- (a) Establishment; purpose. There is established a Firearms Review Board (the “Board”) to provide an expedited administrative hearing process for review of: (1) the denial of an application for a license under this chapter; (2) the suspension, limitation, or revocation of a license issued under this chapter; and (3) a failure to issue a license or renewal following a deemed approval under section 456b(e).
- (b) Election; time to file; tolling. Notwithstanding any other provision of law, an applicant or licensee may elect to seek review by the Board before filing a petition for judicial review. A request for Board review shall be filed within thirty (30) days after service of written notice of the action complained of. Except as provided in section 459, Board review is optional and is not a prerequisite to judicial review. If a timely request for Board review is filed, the time for filing a petition for judicial review is tolled until service of written notice of the Board’s final decision.
- (c) Composition; quorum; rules. The Board shall consist of five (5) members appointed by the Governor. One (1) member shall be a retired judge or an attorney admitted to practice law in the Virgin Islands, who shall serve as Chair. One (1) member shall be nominated by the Commissioner. One (1) member shall be nominated by the Attorney General. One (1) member shall be a Federal Firearms Licensee (FFL). One (1) member shall be a public member with experience in firearms safety or hunter education. A majority of the members shall constitute a quorum. The Board may adopt procedural rules consistent with this chapter.
- (d) Expedited hearing; procedures; interim relief. The Board shall, within ten (10) calendar days after receipt of a timely request, set a time and place for hearing, and shall conduct the hearing no later than thirty (30) calendar days after the request is filed, unless the appellant requests a later date. The Board shall give reasonable notice of the time and place of the hearing to the appellant and to the Commissioner. Hearings may be conducted in person or by videoconference and shall be conducted informally in a manner that guarantees fundamental fairness and the right to present evidence and cross-examine witnesses. The Board may administer oaths, take testimony, receive evidence, issue subpoenas, and compel attendance. A request for Board review shall not automatically stay the Commissioner’s action; however, the Board may grant interim relief, including a stay, upon a showing of good cause.
- (e) Standard of review; burden. The Board shall decide the matter de novo and shall determine whether the applicant or licensee meets the objective eligibility requirements of this chapter and whether any statutory ground for denial, suspension, limitation, or revocation applies. The Commissioner shall bear the burden of proving, by a preponderance of the evidence, that the action complained of is lawful. No showing of fraud or misrepresentation shall be required to obtain review or relief.
- (f) Decision; relief; enforcement. The Board shall issue a written decision as expeditiously as practicable and, absent good cause, within fourteen (14) calendar days after the

conclusion of the hearing. The Board may affirm, reverse, or modify the action complained of and may order the issuance, reinstatement, or renewal of a license, or other appropriate relief authorized by this chapter. If any issuing authority neglects or refuses to comply with a decision of the Board within ten (10) days after notice of the decision, the Board may apply to a court of competent jurisdiction for an order enforcing the decision.

- (g) Judicial review. Any person aggrieved by a final decision of the Board may obtain judicial review by filing a petition for review in a court of competent jurisdiction within thirty (30) days after service of written notice of the Board's decision. In addition, any applicant aggrieved by the denial of an application for a license under this chapter, or any person whose license has been suspended, limited, or revoked, may elect to bypass Board review and obtain judicial review by filing a petition for review in a court of competent jurisdiction within thirty (30) days after service of written notice of the action complained of. On review, the Court shall decide the matter de novo and shall determine whether the applicant or licensee meets the objective eligibility requirements of this chapter and whether any statutory ground for denial, suspension, limitation, or revocation applies. The Commissioner shall bear the burden of proving, by a preponderance of the evidence, that the denial, suspension, limitation, or revocation is lawful. No showing of fraud or misrepresentation shall be required to obtain review or relief. A petition for review shall not automatically stay the Commissioner's action; however, the Court may grant interim relief, including a stay, upon a showing of good cause.
- (h) Subsequent application. A decision sustaining a refusal to grant a license does not preclude a subsequent application for a license for proper cause consistent with this chapter and due process.

§ 472a. Civil rights accountability; liquidated damages.

- (a) In any civil action brought in a court of competent jurisdiction by an applicant arising from the processing, issuance, renewal, denial, suspension, revocation, or other administration of an application for a firearms license or registration under this chapter, if the court enters a final judgment that the Commissioner, or an officer or employee of the Department, acting under color of law, violated the civil rights of the applicant, and the Commissioner or officer or employee is held personally liable after any asserted defense of qualified immunity is denied or otherwise defeated, the court shall award the applicant liquidated damages in the amount of Ten Thousand Dollars (\$10,000) against the Commissioner or such officer or employee.
- (b) In the same action, if the court enters a final judgment that the Department violated the civil rights of the applicant arising from the administration of this chapter, the court shall award the applicant liquidated damages in the amount of One Hundred Thousand Dollars (\$100,000) against the Department.

- (c) An award of liquidated damages under this section is in addition to any other relief authorized by law.

§ 473. Firearms Register

- (a) The Commissioner shall establish a Firearms Register within the Department and maintain the same in a systematic and orderly manner, so that the names of the persons licensed as dealers in firearms, gunsmiths or to carry firearms in the Virgin Islands as well as the essential details concerning the firearms registered, may be easily found.
- (b) Every firearm authorized to be licensed under section 454 which is duly licensed after this chapter takes effect, shall be registered in the Firearms Register provided for in the preceding subsection. If such firearm does not bear a serial number, or if the same is illegible, a nongovernmental licensee shall have the person's full name engraved on the butt or the stock of the weapon, and shall so set forth in the person's declaration. The Commissioner shall deliver to the declarant a record of such registration.
- (c) The firearms authorized to be had, possessed, or carried under paragraphs (4) and (5) of subsection (a) of section 453 and under subparagraph (1) of section 454 of this chapter, shall also be registered in the Firearms Register above provided for.
- (d) Prohibited firearms not registrable. The Commissioner shall not accept for registration, and shall not enter into the Firearms Register, any machine gun or automatic weapon, assault rifle, short-barreled shotgun (sawed-off shotgun), or any firearm equipped with or accompanied by a machine gun conversion device or conversion kit, as those terms are defined in Title 14 or this chapter, unless the applicant demonstrates, including where applicable by documentary proof of registration, approval, or tax payment required under 26 U.S.C. chapter 53 (National Firearms Act), that the firearm or device is lawfully owned and possessed under federal law and is otherwise permitted under section 481b of this chapter, section 453 of this chapter, section 481c of this chapter, or another express statutory exemption. Where federal registration, approval, or tax payment under 26 U.S.C. chapter 53 is not required or is not available as a matter of law for an acquisition or making occurring in the Virgin Islands, the applicant may satisfy the requirements of this subsection by obtaining an enhanced background check endorsement under section 481c prior to registration. Nothing in this subsection shall be construed to authorize the possession, sale, transfer, making, or registration of any firearm or device prohibited by federal law.
- (e) Ministerial registration; non-discretionary. The registration of a firearm in the Firearms Register is a ministerial, administrative act. Upon receipt of a complete declaration or other information required by this chapter or duly promulgated regulation, and verification that the person is a current licensee under this chapter and that the firearm is not prohibited from registration under subsection (d) or other law, the Commissioner shall register the firearm and deliver the registration record. The Commissioner may deny registration only on objective statutory grounds, and any denial shall be in writing, state

with particularity the statutory ground and factual basis, and be subject to review under section 472.

§ 473a. Confidentiality of Firearms Register and firearms licensing records; exemption from public disclosure

- (a) Confidential records. The Firearms Register, and all records relating to an application for, issuance, renewal, denial, suspension, revocation, limitation, endorsement, or registration under this chapter—including supporting documentation, photographs, fingerprints, serial numbers, and any database derived therefrom—are confidential records.
- (b) Not public records; exemption from disclosure. Except as provided in this section, the records described in subsection (a) are not public records and shall not be disclosed to any person. Such records are exempt from any requirement of public inspection or disclosure under Virgin Islands law, including any Freedom of Information Act, Sunshine Act, open records act, open meetings law, or similar law.
- (c) Permissible disclosures. Notwithstanding subsection (b), the Commissioner or Director may disclose information from the records described in subsection (a):
 - (1) to the applicant or licensee who is the subject of the record, or to the person's authorized attorney or representative upon written authorization, and in any administrative or judicial review under section 472;
 - (2) to an officer, employee, or agent of the Department or another law enforcement agency, the Attorney General, or a prosecutor, for a lawful law-enforcement, background-check, licensing, prosecution, or public-safety purpose;
 - (3) pursuant to a judicial warrant, subpoena, or court order in a specific civil or criminal proceeding; provided, that the court shall, to the maximum extent consistent with due process, order that production occur under seal and in camera and impose a protective order limiting further dissemination;
 - (4) to a federally licensed firearms dealer, common carrier, range, or training provider, limited to the minimum information reasonably necessary to verify the validity of a license, endorsement, or registration for a specific transaction, shipment, or training activity;
 - (5) to the Legislature, Inspector General, or other governmental auditor for a lawful audit or oversight purpose, provided the receiving entity maintains confidentiality and uses the records solely for that purpose; or

(6) to the Bureau of Alcohol, Tobacco, Firearms and Explosives or other federal authority for purposes of federal firearms law compliance or firearm trace requests.

(d) Aggregate statistics; public reports permitted. Nothing in this section prohibits the disclosure or publication of aggregate statistical information that does not identify an individual or a specific firearm, including the annual report required by section 456c.

(e) Unauthorized disclosure. An officer or employee of the Government of the Virgin Islands who knowingly discloses a confidential record in violation of this section is subject to discipline and any other penalty provided by law.

§ 474. Death of licensee

Upon the death of a person leaving in the person's estate a firearm it shall be the duty of the person's administrator, executor or any other person legally authorized to represent the estate to report to the Commissioner the brand, caliber and serial number if any, of the firearm in question. Upon such report, or upon information otherwise verified, the Commissioner shall make the necessary provisions for the custody of said firearm by any interested party or by its deposit with the Department, pending the settlement of the estate. If the firearm is assigned to an heir or distributee who is eligible to obtain a license for a firearm, and such license is issued, said firearm shall be delivered to such heir or distributee. If the heir or distributee is not eligible for a firearms license, then the firearm shall be disposed of as part of the estate through public or private sale as the District Court of the Virgin Islands may direct; provided that the firearm may be acquired only by a duly licensed dealer, a person eligible for a license to possess or carry firearms in the Virgin Islands, or a nonresident of the Virgin Islands in compliance with the laws of the buyer's state.

§ 474a. Probate and incapacity fiduciary safe harbor

(a) Nothing in this chapter shall be construed to prohibit or criminalize the possession, custody, transportation, or transfer of a firearm or ammunition by an executor, administrator, personal representative, trustee, attorney-in-fact, or other court-appointed fiduciary, or by an heir or devisee, when acting in accordance with section 474 of this chapter and any applicable probate court order, provided such person is not otherwise prohibited by law from possessing firearms.

(b) Nothing in this chapter shall be construed to prohibit or criminalize the possession, custody, transportation, or transfer of a firearm or ammunition by a guardian, conservator, attorney-in-fact, or other fiduciary acting pursuant to a court order or valid power of attorney on behalf of a living owner who is incapacitated, hospitalized, deployed, or otherwise unable to lawfully secure, store, transport, surrender, or transfer the firearm, provided such fiduciary is not otherwise prohibited by law from possessing firearms and the owner does not retain actual or constructive possession or control inconsistent with this chapter.

- (c) Compliance with section 474 of this chapter, or with this section as applicable, shall constitute a complete defense to any prosecution under this chapter arising from such conduct.

§ 475. Deposit of firearms in Department, disposition

- (a) All firearms surrendered, seized or confiscated under the provisions of this chapter, shall be disposed of as provided in this section.
- (b) Any firearm unlawfully borne, possessed, transported or carried, is hereby declared a public nuisance and when any such weapon or instrument is seized by the police the same shall be delivered to the Commissioner. In the cases where criminal actions are filed, the judgment convicting the defendant shall, in addition to the penalties herein prescribed, carry with it the forfeiture in favor of the Government of the Virgin Islands of the firearm seized, and it shall be the duty of the court or judge to deliver the firearm so forfeited to the Commissioner who shall direct the disposition thereof.
- (c) Those firearms which are in good condition and have been forfeited pursuant to a final order of a court of competent jurisdiction may be preserved by the Commissioner for governmental uses.
- (d) The Commissioner shall, whenever he may deem it advisable, and at least once a year, destroy and render completely unserviceable the firearms delivered to him under the provisions of this section, except when a certification is presented to him from a court, or the United States Attorney or the Attorney General to the effect that the preservation thereof, or of any of them, is necessary or indispensable for the ends of justice, and except when the Commissioner himself directs that they, or any of them, be retained in any police or detective laboratory to the end that they may be examined, compared, identified, or be the object of any other experiment tending to discover or prevent crime.
- (e) Before disposing of a firearm, as provided in this section, the Commissioner shall direct that the class, make, model, serial number (if any), and caliber of such firearms, together with the date of receipt and the date and manner of disposition be carefully recorded and filed.
- (f) Notwithstanding any other provision of this section, this section shall not be construed to authorize the destruction of, retention for governmental use of, or other permanent deprivation of any firearm that is lawfully owned, except (1) a firearm that is contraband or otherwise unlawful to possess under the laws of the United States or the Virgin Islands; (2) a firearm that has been forfeited pursuant to a final order of a court of competent jurisdiction; or (3) a firearm that remains unclaimed after notice and an opportunity to request return or lawful transfer under subsection (g).
- (g) When a firearm is surrendered, seized, or taken into custody under this chapter from a person who may not lawfully possess it, including due to disqualification or ineligibility,

the owner, an estate representative acting in accordance with section 474, or other lawful claimant may request in writing that the Commissioner transfer the firearm to a federally licensed firearms dealer or other lawful transferee for sale, consignment, or other lawful disposition, including transfer outside the Virgin Islands, consistent with applicable federal and territorial law; provided that the requesting person shall not retain actual or constructive possession or control of the firearm. Before a firearm may be destroyed, retained for governmental use, or otherwise disposed of as unclaimed property under this section, the Commissioner shall provide reasonable written notice to the last known owner and, if known, the estate representative or claimant, and shall allow not less than thirty (30) days to request return or lawful transfer.

- (h) Receipt; chain of custody; secure storage. At the time any firearm is surrendered, seized, or otherwise taken into custody under this chapter, the Commissioner shall cause a written receipt to be issued identifying the firearm by make, model, serial number (if any), and caliber, and stating the date and basis for taking custody. The Commissioner shall maintain a chain-of-custody record documenting custody, transfers, and final disposition, and shall store such firearms in a secure manner reasonably designed to prevent loss, theft, or damage.

§ 476. Collections of antique firearms; certificates of uselessness

No provision hereof shall prevent that private collections of antique firearms, which may not be used as weapons, be preserved and maintained and that their owners possess them as ornaments or as matters of curiosity, nor the collections of firearms kept as relics, but for the preservation of any weapon of those included in this section the prior inspection thereof and approval therefor by the Commissioner shall be necessary and he shall render such firearms useless, so that the same may not be used as such. The Commissioner shall issue a certificate of uselessness of all the weapons possessed under the provisions of this section, and the possession of any firearm not included in said certificate shall be subject to all the provisions hereof.

§ 478. Report of treatment of wounded persons

Any physician, physician aide, or nurse treating a case of bullet wound, powder burn or any other wound arising from or caused by the discharge of a gun, revolver, pistol, or other firearm, and whenever such cases are treated in a hospital, clinic, sanitarium or other similar institution, the manager, superintendent, or other person in charge shall report such case at once to the police authorities.

§ 479. Discharging or aiming firearms

Any person who, otherwise than in self-defense or in the discharge of official duty:

- (a) willfully discharges any pistol, revolver, or other firearm, or who throws any deadly missile in a public place or any other place where there is any person who may be injured, thereby, although no injury to any person ensues; or

- (b) intentionally although without malice aims a revolver, pistol or other firearm toward any person; or
- (c) discharges, without injury to any person, firearms while intentionally although without malice aiming toward any person; or
- (d) causes physical injury to any person by the discharge of a firearm while aiming intentionally, although without malice, at any person, shall be guilty of a felony.

§ 480. False information forbidden in sale of weapons

No person shall, in purchasing a firearm or in applying for any license or in making any report hereunder give or offer false or misleading information or offer false evidence of the person's identity.

§ 481. Alteration of identifying marks of weapons prohibited

- (a) No person shall within the Virgin Islands change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark or identification on any firearm. Possession of any firearm upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same within the Virgin Islands: provided, however, that nothing contained in this section shall apply to any officer or agent of the United States or the Government of the Virgin Islands engaged in experimental work.
- (b) Whoever, unless otherwise authorized by law, knowingly has, possesses, bears, transports or carries either, actually or constructively, openly or concealed, any firearm, as defined in section 451(l) of this title, loaded or unloaded, with altered or obliterated identification marks, in a public place, a residential area, a vehicle or any place where persons are gathered shall be punished as follows:
 - (1) A person who violates this subsection is guilty of a felony and shall be fined not more than \$10,000 or imprisoned for not more than five (5) years, or both.
 - (2) A second or subsequent violation of this subsection, or a violation by a person prohibited from possessing firearms, is a felony punishable by a fine of not more than \$10,000 or imprisonment not more than ten (10) years, or both.
 - (3) A person who violates this subsection with intent to conceal the identity of the firearm, or in furtherance of the commission of a felony involving violence, is guilty of a felony punishable by a fine of not more than \$10,000 or imprisonment not more than fifteen (15) years, or both. For purposes of this subsection, "knowingly" requires knowledge that the identification mark has been altered or obliterated, and identification marks shall not be deemed "altered or obliterated" solely due to ordinary wear, corrosion, or damage absent evidence of intentional alteration.

§ 481a. Possession, sale, manufacture, or distribution of machine gun conversion devices prohibited; penalties.

- (a) Definition. For purposes of this section, the term “machine gun conversion device” means any device, part, or combination of parts, including a “conversion kit” as defined in section 451(g), that is designed and intended, whether alone or as a combination of parts, for use in converting a semi-automatic firearm into an automatic weapon (machine gun) as defined in section 451(d), and shall be construed consistent with 26 U.S.C. § 5845(b).
- (b) Prohibited acts. It is unlawful for any person to knowingly possess, manufacture, import, sell, offer for sale, purchase, transfer, deliver, or otherwise distribute a machine gun conversion device within the Virgin Islands.
- (c) Penalties. Any person who violates this section shall be guilty of a felony and shall be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned for not more than ten (10) years, or both.
- (d) Seizure and forfeiture. All machine gun conversion devices possessed, transferred, sold, manufactured, imported, or distributed in violation of this section are subject to immediate seizure and forfeiture in accordance with applicable law.
- (e) Exceptions. This section does not apply to law enforcement officers acting in the lawful performance of their duties, active-duty military personnel acting within the scope of official duties, or properly licensed firearms manufacturers or dealers acting in compliance with applicable federal and territorial law, or to any machine gun conversion device that is lawfully owned and possessed under the provisions of the laws of the United States, as provided in section 481b of this title.
- (f) Regulations. The Commissioner may promulgate regulations to implement this section, including procedures for seizure, forfeiture, and disposition, consistent with the Virgin Islands Administrative Procedures Act.

§ 481b. Firearms and devices lawfully owned and possessed under federal law; exemption

- (a) The prohibitions of this chapter relating to a machine gun, machine gun conversion device, conversion kit, short-barreled rifle, short-barreled shotgun, firearm muffler or firearm silencer (suppressor), destructive device, or other firearm or device regulated under the laws of the United States shall not apply to a firearm or device that is lawfully owned and possessed under the provisions of the laws of the United States.
- (b) For purposes of this section, a firearm or device is “lawfully owned and possessed under the provisions of the laws of the United States” if it is possessed in compliance with applicable federal law, including, where applicable, registration, approval, and tax requirements under 26 U.S.C. chapter 53 (National Firearms Act) and related federal law, as amended from time to time.

(c) Nothing in this section shall be construed to:

- (1) authorize possession by a person prohibited from possessing firearms under federal or territorial law.
- (2) exempt a person from compliance with the licensing, registration, declaration, reporting, or other requirements of this chapter that are otherwise applicable and not inconsistent with federal law.
- (3) bar prosecution for any other offense, including unlawful use of a firearm or device in the commission of a crime.

§ 481c. Enhanced background check endorsement for federally regulated firearms and devices; registration.

- (a) Scope. This section establishes an enhanced background check and endorsement process for a firearm or device described in 26 U.S.C. § 5845(a) or (b), including a machine gun, short-barreled rifle, short-barreled shotgun, firearm muffler or firearm silencer (suppressor), destructive device, or any other weapon.
- (b) Alternative proof where federal registration is not required or available. Where an applicant seeks to register, transfer, make, or acquire a firearm or device described in subsection (a) and federal registration, approval, or tax payment under 26 U.S.C. chapter 53 (National Firearms Act) is not required or is not available as a matter of law in the Virgin Islands, the applicant may satisfy the requirements of section 473(d) and other applicable provisions of this chapter by obtaining an enhanced background check endorsement under this section.
- (c) Application; required submissions. An application for an endorsement under this section shall be made under oath on forms prescribed by regulation promulgated pursuant to section 485 and shall be limited to objective information reasonably necessary to verify identity, age, address, eligibility, and the lawful acquisition or making of the firearm or device. At a minimum, the applicant shall submit: (1) a full set of fingerprints; (2) a full-face color photograph taken within thirty (30) days; (3) a description of the firearm or device, including make, model, serial number (if any), and category under 26 U.S.C. § 5845; and (4) any additional objective documentation required by statute or duly promulgated regulation.
- (d) Enhanced background check. The Department shall conduct a fingerprint-based and name-based background check of the applicant through all available territorial and federal criminal and protective-order databases, and shall verify that the applicant is not prohibited from possessing firearms or ammunition under territorial or federal law. The Department shall also conduct any records checks reasonably necessary to confirm that

the firearm or device is not reported stolen and is otherwise eligible for registration under this chapter.

- (e) Issuance; standards; deadlines. The Commissioner shall approve and issue, or deny in writing, an endorsement under this section within forty-five (45) calendar days after receipt of a complete application. The endorsement shall be issued if the applicant satisfies the objective eligibility criteria of this chapter and no statutory ground for denial applies. Any denial shall state with particularity the statutory ground or grounds for denial and the specific record or facts relied upon, and shall be subject to judicial review as provided in section 472.
- (f) Registration record. Upon issuance of an endorsement under this section, the Commissioner shall enter the firearm or device in the Firearms Register pursuant to section 473 and issue the applicant a registration record for the firearm or device.
- (g) Federal law preserved. Nothing in this section shall be construed to authorize the possession, making, sale, transfer, or registration of any firearm or device prohibited by federal law, or to eliminate any federal registration, approval, or tax payment requirement that is applicable to the transaction.

§ 481d. Manufacture and possession of federally regulated firearms and devices for lawful transfer or shipment; exportation

- (a) Authority; federal compliance. Notwithstanding any other provision of this chapter, a federally licensed firearms manufacturer or federally licensed firearms dealer that is authorized under federal law to manufacture, make, import, receive, possess, or transfer any federally regulated firearm or device may do so within the Virgin Islands in the ordinary course of business, provided that the person is licensed under section 461a or section 461, as applicable, and remains in compliance with all applicable federal law, including marking, registration, recordkeeping, and tax requirements.
- (b) Transfer and shipment outside the Virgin Islands. A licensee under this section may ship or otherwise transfer a federally regulated firearm or device from the Virgin Islands to another State, territory, or the District of Columbia, or to the United States Government, or to any person or entity authorized to receive such item under federal law, provided that all required federal approvals and authorizations have been obtained prior to shipment or transfer.
- (c) Local licensing and registration of business inventory. A federally regulated firearm or device possessed by a licensee under this section solely as business inventory for lawful transfer or shipment outside the Virgin Islands is not subject to the individual licensing and registration requirements of sections 454 through 460 and the endorsement requirement of section 481c, provided that the licensee maintains records required by

federal law and does not transfer the firearm or device to any natural person in the Virgin Islands except in compliance with this chapter and federal law.

- (d) Transfers within the Virgin Islands. Nothing in this section shall be construed to authorize the transfer of any federally regulated firearm or device to any person in the Virgin Islands unless the recipient is otherwise eligible under this chapter and federal law, including any required endorsement under section 481c and any required federal approval, registration, or tax payment.
- (e) Construction; prohibited persons. Nothing in this section shall be construed to authorize possession by any person prohibited from possessing firearms under federal or territorial law.

§ 482. Illegal use of license; penalty

Whoever knowingly allows the use of his license, issued under this chapter or any prior law of the Virgin Islands, by another person for the purpose of obtaining or transporting firearms shall be punished as provided in section 484 of this chapter.

§ 483. Deposit and use of licensing fees; Firearms Licensing and Registration Administration Fund

Notwithstanding any other provision of law, all fees collected for licenses, renewals, registrations, endorsements, and other administrative actions under this chapter shall be transmitted to the Commissioner of Finance and deposited in a separate account in the Treasury to be known as the Firearms Licensing and Registration Administration Fund. For the avoidance of doubt, moneys in the Fund shall be used solely to defray the reasonable costs of administering this chapter and maintaining the Firearms Register, including processing applications, renewals, and registrations; conducting fingerprinting and required background checks; issuing licenses and registration records; and maintaining the systems, personnel, and materials reasonably necessary for those functions. No moneys in the Fund may be transferred, commingled, or expended for any purpose not directly related to the administration of this chapter.

§ 484. General penalty section

Any person who violates the provisions of this chapter shall, except when otherwise specifically provided herein, be fined not more than \$5,000 or imprisoned not more than three years forfeiture of the person's license or firearm or any combination thereof; provided that if the violation occurs after such person has been convicted in the Virgin Islands of a violation of this chapter, or of a crime of violence, either in the Virgin Islands or in another jurisdiction, such person shall be fined not more than \$10,000 or imprisoned not more than ten years or both.

§ 485. Regulations

The Commissioner may issue, modify and amend, from time to time, such rules and regulations, not inconsistent with this chapter or the provisions of other law, which he may deem necessary

or appropriate to carry out the purposes of this chapter, which rules and regulations, upon approval by the Governor, shall have the force and effect of law. Any regulations promulgated under this section shall establish objective standards and shall not impose additional substantive eligibility requirements, discretionary criteria, or conditions beyond those expressly authorized by this chapter.

The Commissioner shall issue rules and regulations, not inconsistent with the provisions of law, pertaining to the use and control of firearms used by employees of security, guard, patrol and private detective services. Such rules and regulations, upon approval by the Governor and the Legislature, shall have the force and effect of law. Upon such approval, the Commissioner shall cause such rules and regulations to be published and he shall provide each duly licensed security, guard, patrol and private detective service with copies thereof.

Any regulations required to implement amendments to this chapter shall be promulgated not later than ninety (90) days after the effective date of the Act enacting the amendments. Failure to promulgate regulations within that period shall not operate as a denial or delay of any right, license, renewal, registration, or appeal otherwise provided by this chapter.

§ 486. Police power reserved

Nothing contained in this chapter shall be deemed to limit the exercise of the police power of the Government of the Virgin Islands for the protection of the existence of government, life, the public security, health, morals and the beneficial use of property.

§ 487. Seizure and forfeiture

- (a) The following items of property shall be subject to seizure and forfeiture, and, upon forfeiture, no property right shall exist in them:
 - (1) Any firearm being worn, borne, or transported by any person not authorized pursuant to section 454 of this title, and, therefore, in violation of section 484 of this title.
 - (2) All ammunition or other parts of or appurtenances to any such firearm worn, carried, or transported by such person or found in the immediate vicinity of such firearm.
- (b) Any property subject to seizure under subsection (a) of this section may be seized by any duly authorized officer, as an incident to an arrest or search and seizure. Any such officer seizing such property under this section shall either place the property under seal or remove the same to a location designated by the Commissioner. Such officer shall, at the time of seizure or as soon as possible thereafter, execute and deliver to the possessor a signed and dated receipt for the item seized.
- (c) Upon the seizure of property pursuant to this section, the Attorney General shall be notified thereof by the Department, which Department shall also furnish the name and address of the owner thereof, if known. The Attorney General shall notify the owner by certified mail of the seizure, if the registered owner is not the person from whom the item

was seized, and the Attorney General's determination of whether the owner knew or should have known that the property was worn, borne, transported or used without lawful authority under section 454 of this title.

- (1) If the Attorney General determines that the owner neither knew nor should have known of the unauthorized use or intended unauthorized use of the property, he shall surrender the property upon request to the owner unless he determines that the property is needed as evidence in a pending criminal case, in which event he shall return the property upon the final conclusion of the case or cases in which the property is needed as evidence.
- (2) If the Attorney General determines that the property should be forfeited to the Government, he shall petition the Superior Court in the name of the Government of the Virgin Islands against the property as designated by make, model, year and serial number or other identifying characteristic. The petition shall allege the seizure and set forth in general terms the causes or grounds of forfeiture. It shall also pray that the property be condemned as forfeited to the Government and disposed of according to law.
- (3) If the owner or owners of the property are unknown or cannot be found, notice of the seizure and intended forfeiture proceedings shall be made by publication in one or more newspapers published in the District in which the action is brought. The notice shall state the substance and object of the original petition and give notice of the intended forfeiture proceedings.
- (4) Within 30 days after service of the notice of seizure and intended forfeiture proceedings or within 30 days after the date of publication, the owner of the property seized may file an answer under oath to the petition.
- (5) The court shall retain custody of the seized property pending prosecution of the person accused of violating section 454 of this title and in case such person be found guilty, the property shall remain in the custody of the court until the hearing on the forfeiture is held. The hearing shall be scheduled no more than 30 days after conviction of the defendant, and reasonable notice shall be given to those parties filing an answer to the petition.
- (6) If no timely answer is filed, the Court shall hear evidence upon the unauthorized use of the property and shall upon satisfactory proof thereof, order the property forfeited to the Government of the Virgin Islands.
- (7) At the scheduled hearing, any owner who filed a timely answer may show by competent evidence that the property was not in fact used in violation of section 454 of this title or that he neither knew nor should have known that the property was being, or was to be so used. Upon the determination that the property was not so used, the Court shall order that the property be released to the owner.

- (8) If after a full hearing the Court decides that the property was used in violation of section 454 of this title or that the owner knew or should have known that the property was being, or was to be so used, the Court shall order that the property be forfeited to the Government of the Virgin Islands.
- (d) Whenever property is forfeited under this section, it shall be turned over to the Commissioner for immediate destruction in accordance with regulations promulgated under section 485 and other applicable law.
- (e) Before disposing of a firearm, as provided in this chapter, the Commissioner shall direct that the class, make, number and caliber of such firearm, as well as the time of receipt of such firearm by the Commissioner and the date of destruction, if any, of same, shall be carefully recorded and filed.

§ 488. Limited search

- (a) Any law enforcement officer who, in the light of the officer's observations, information, and experience, has a reasonable suspicion, supported by specific and articulable facts, that (i) a person is wearing, carrying, or transporting a firearm in violation of section 454 of this title, and (ii) such person is armed and is or may be presently dangerous to the officer or to others, such officer may:
 - (1) approach the person and identify himself as a law enforcement officer;
 - (2) request the person's name and address, and, if the person is operating a vehicle, the person's license to operate the vehicle, and the vehicle's registration; and
 - (3) ask such questions and request such explanations as may be reasonably calculated to determine whether the person is, in fact, wearing, carrying, or transporting a firearm in violation of section 454 of this title; and
 - (4) if the person does not give an explanation which dispels the officer's reasonable suspicion, conduct a search of the person limited to a patting or frisking of the outer clothing of such person in search of a firearm or other weapon, consistent with the requirements of the Constitution of the United States.
- (b) In the event that the officer discovers the person to be wearing, carrying, or transporting a firearm, the officer may demand that the person produce a firearms license or other evidence that the person is entitled to so wear, carry, or transport the firearm pursuant to section 454 of this title or other applicable law. If the person is unable to produce such evidence and the officer has probable cause to believe the person is wearing, carrying, or

transporting the firearm in violation of section 454 of this title, the officer may then seize the firearm and arrest the person.

- (c) Nothing in this section shall be construed to permit a stop, detention, or frisk solely because a person is known or suspected to possess a firearm, absent reasonable suspicion as set forth in this section.
- (d) Nothing in this section shall be construed to limit the right of any police officer to make any other type of search, seizure, and arrest which may be permitted by law.
- (e) Any police officer sued in a civil action for conducting a search or seizure pursuant to this section shall, upon the officer's request, be defended in said action and any appeals therefrom, by the Attorney General.
- (f) Every police officer who conducts a search or seizure pursuant to this section shall, within twenty-four hours after such search or seizure, file a written report with the Department describing the circumstances surrounding the search or seizure and the reasons therefor on a form prescribed by the Commissioner. Such report shall include the name of the person searched.

§ 489. Registration of firearms upon purchase from dealer; registration of firearms transferred from non-dealer

- (a) At the time that any firearm is purchased from a licensed firearms dealer, the dealer and the purchaser shall complete such registration documents as required by this chapter and by regulation promulgated pursuant to section 485 before the firearm may be removed from the premises. The firearms dealer shall forward said documents to the Firearms Division of the Department by the end of the next business day.
- (b) Any person other than a firearms dealer wishing to transfer a firearm to another person shall effect the transfer at the Firearms Division of the Department or at the place of business of a licensed firearms dealer within the Virgin Islands. Both individuals involved in the transfer must present the appropriate firearm licenses to the Firearms Division or the firearms dealer before such transfer may be effected. A record of transfer, as provided by the Department, shall be completed at the time of transfer, and no transfer of a firearm shall be valid absent the completion of registration and transfer documents as required by this section. The firearms dealer shall forward said documents to the Firearms Division of the Department by the end of the next business day.
- (c) The completion of registration and transfer documents as required by this section shall constitute compliance with the requirements of section 470(a) of this chapter.

§ 489a. Safe storage of firearms; voluntary programs; privacy

- (a) The Commissioner shall develop and make available voluntary safe firearm storage education and outreach programs to encourage responsible storage of firearms at homes and businesses, including the distribution of firearm safety devices such as cable locks and lockboxes through government offices and trusted community partners.
- (b) Incentives. The Government may implement incentives that do not require verification, reporting, or follow-up by any firearm owner, including point-of-sale coupons or discounts for safety devices, time-limited sales-tax exemptions for firearm safety devices, and encouragement of private insurance-based incentives related to safe storage.
- (c) Privacy and nonintrusion. Participation in any program under this section is voluntary and shall not require disclosure of firearm ownership, serial numbers, or in-home storage conditions. No agency may conduct or require in-home inspections, home visits, photographs, receipts, or similar verification as a condition of participation. Program evaluation may use only aggregate, non-identifying data (for example, the number of devices distributed).
- (d) Construction. Nothing in this section shall be construed to mandate a particular method of storage in a private residence or place of business, to authorize a search or inspection, or to create criminal liability for a failure to store a firearm in a particular manner. Participation may not be made a condition of obtaining, maintaining, or renewing a firearms license or registration under this chapter.

§ 489b. Voluntary compliance; registration cure period; civil fine for first-time nonregistration

- (a) The Commissioner shall establish a voluntary compliance program to facilitate registration of firearms required to be registered under this chapter. For a first-time violation consisting solely of failure to register a firearm, and where the person is otherwise eligible to be licensed under this chapter, the violation shall be treated as a civil offense and the person shall be subject to a civil fine of \$250. The person shall be afforded a cure period of thirty (30) days from the date of notice or citation to (1) obtain, apply for, or present a valid firearms license issued under section 454 of this chapter (if not already licensed) and (2) complete registration of the firearm pursuant to sections 469, 470, and 489 of this chapter.
- (b) Upon acceptance of a registration submission under this section, the Commissioner shall issue a dated receipt or temporary registration certificate identifying the firearm, which shall serve as temporary proof of compliance for purposes of this chapter while the application is pending, provided that the person remains otherwise eligible. A receipt or temporary registration certificate issued under this subsection does not authorize carrying, bearing, or transporting a firearm except as otherwise authorized by a valid license issued pursuant to section 454 or 454a of this chapter.

- (c) This section does not apply, and criminal penalties may be pursued as otherwise provided by law, if: (1) the person is prohibited from possessing firearms under federal law or is otherwise ineligible for a firearms license under this chapter; (2) the firearm is reported stolen or the person knows or reasonably should know that it is stolen; (3) the firearm was used or possessed in furtherance of a crime of violence as defined in 14 V.I.C. § 2253(d), or any other felony offense; (4) the firearm has altered, obliterated, or missing identifying marks or a missing serial number; or (5) the person has previously been convicted of, or previously received civil treatment under, this chapter. Failure to cure within the period provided in subsection (a) shall be punishable as provided in section 484 of this chapter and other applicable law.
- (d) One-time one-year grace period. Notwithstanding subsection (a), during the one-year period immediately following the effective date of this subsection, the civil fine described in subsection (a) shall not be imposed for a first-time violation consisting solely of failure to register a firearm that was possessed in the Virgin Islands before the effective date of this subsection, provided that the person submits a registration submission under this section that is received by the Commissioner within that one-year period and is otherwise eligible to be licensed under this chapter and the firearm is otherwise eligible for registration. For the avoidance of doubt, eligibility for the grace period under this subsection is determined by the date the registration submission is received by the Commissioner, and not by the date on which the registration is approved or completed. Upon receipt of a registration submission under this subsection, the Commissioner shall promptly issue (including electronically) a dated proof-of-filing receipt acknowledging the date of receipt. Possession of such proof-of-filing receipt constitutes prima facie evidence that the registration submission was timely received within the grace period under this subsection while the submission remains pending. Upon expiration of the grace period, the civil fine described in subsection (a) may be imposed as provided in this section and other applicable law.

§ 490. Serial Number Requirement for Firearms

- (a) All firearms manufactured, made, assembled, sold, transferred, or possessed in the Virgin Islands shall have a unique serial number engraved or stamped on the firearm by the manufacturer or maker.
- (b) For purposes of this section, “maker” includes any person who manufactures or assembles a firearm for personal use, including by three-dimensional printing or from a firearm parts kit.
- (c) It is unlawful for any person to knowingly possess a firearm that does not have a serial number, except as provided in subsection (d).
- (d) This section does not apply to:
 - (1) Firearms that were manufactured prior to February 28, 2025 if they are registered with the appropriate authority by August 28, 2025.

(2) Firearms that are exempt under federal law.

- (e) Penalties. (1) A person who violates subsection (b) is guilty of a misdemeanor for a first offense and shall be fined not more than \$1,000 or imprisoned not more than one (1) year, or both. (2) A second or subsequent violation of subsection (b), or a violation by a person prohibited from possessing firearms, is a felony punishable by a fine of not more than \$10,000 or imprisonment not more than five (5) years, or both. (3) A person who knowingly manufactures, assembles, alters, or removes a serial number from a firearm, or who possesses a firearm with a serial number removed or obliterated with intent to conceal the identity of the firearm, is guilty of a felony punishable by a fine of not more than \$10,000 or imprisonment not more than fifteen (15) years, or both.

§ 490a. Severability; constitutional construction

- (a) Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.
- (b) Constitutional construction. This chapter shall be construed, to the maximum extent permitted, to be consistent with the Constitution of the United States and the Revised Organic Act of the Virgin Islands. Any discretion conferred by this chapter shall be exercised using narrow, objective, and definite standards so as not to burden the lawful exercise of protected rights.

SECTION 4. ACCESSIBILITY OF PUBLIC GUN RANGE; REASONABLE FEES; DEDICATED MAINTENANCE.

- (a) The Legislature finds that reasonable access to a public firearms range is necessary for lawful training, safe handling, and proficiency, and that excessive range fees may operate as an undue burden on the lawful exercise of constitutional rights.
- (b) The Department, in coordination with the Department of Sports, Parks and Recreation, shall make any government-owned firearms range available to the public for lawful training and practice on a scheduled basis.
- (c) Any fee charged for public access to a government-owned firearms range shall be reasonable and nominal, and shall not exceed Twenty-Five Dollars (\$25.00) per individual per day, absent a higher amount justified by documented operating costs and adopted by regulation after public notice.
- (d) Funds collected for range access shall be deposited into a dedicated account and used solely for the operation, safety, repair, and improvement of government-owned firearms ranges, including berm maintenance, target systems, safety equipment, and staffing.

SECTION 5. PROJECT BLEACHERS; APPROPRIATION FOR SAFE COMMUNITY RECREATIONAL SPACES.

- (a) There is hereby appropriated, out of the General Fund of the Government of the Virgin Islands, the sum of Two Hundred Fifty Thousand Dollars (\$250,000) for planning, repairs, improvements, and associated services related to the Project Bleachers initiative and other safe recreational space improvements aimed at youth engagement and violence prevention.
- (b) The Department of Sports, Parks and Recreation shall coordinate with community partners, including the Department of Education, the Department of Labor, the University of the Virgin Islands, youth sports and mentorship programs, and other public and private entities, to deploy the funds appropriated under this section for facilities improvements and outreach programming that promotes safe, healthy activities for young people, supports academic achievement and school engagement through tutoring, homework assistance, and mentoring, and creates pathways to higher education and the skilled trades through college and career readiness, apprenticeships, internships, and employment opportunities.
- (c) The funds appropriated under this section shall remain available until expended and shall be used exclusively for the purposes stated in this section.
- (d) To the maximum extent practicable, the Department shall leverage the facilities improved and programming supported under this section as “Safer Community Spaces” by supporting recurring after-school and weekend outreach programming that (i) promotes school attendance and academic success through tutoring, homework assistance, and mentorship; (ii) creates pathways to higher education and the skilled trades, including colleges and trade schools; and (iii) connects youth to job training, apprenticeships, internships, and other employment opportunities.

SECTION 6. CRIMINAL PENALTIES; UNAUTHORIZED POSSESSION OF A FIREARM; RESTORATION OF JUDICIAL DISCRETION; CONFORMING AMENDMENTS.

Title 14, Virgin Islands Code, section 2253(a) is amended as follows:

- (a) In the first sentence of subsection (a), strike the words “shall be sentenced to imprisonment of not less than ten years” and insert in lieu thereof “shall be sentenced to imprisonment of not less than one (1) year nor more than five (5) years.”
- (b) In the first sentence of subsection (a), after the word “Whoever,” insert the word “knowingly.”

Title 14, Virgin Islands Code, section 2253 is amended by striking the words “section 451(d)” wherever they appear and inserting in lieu thereof “section 451(l).”

Title 14, Virgin Islands Code, section 2253(d)(1) is amended by striking the words “Title 23, section 451(e)” and inserting in lieu thereof “Title 23, section 451(h).”

Title 14, Virgin Islands Code, section 2253(d)(2) is amended by striking the definition of “Machine gun” and inserting the following:

- (2) “Machine gun” means an “automatic weapon” or “machine gun” as defined in Title 23, section 451(d) of this Code.

Title 14, Virgin Islands Code, section 2253(d)(3) is amended by striking the definition of “Sawed-off shotgun” and inserting the following:

- (3) “Sawed-off shotgun” or “short-barreled shotgun” means—
 - (A) a shotgun having a barrel or barrels of less than eighteen (18) inches in length; or
 - (B) any weapon made from a shotgun if such weapon as modified has an overall length of less than twenty-six (26) inches or a barrel or barrels of less than eighteen (18) inches in length.

Title 14, Virgin Islands Code, section 2253(d)(9) is amended by striking the definition of “Conversion kit” and inserting the following:

- (9) “Conversion kit” means any part or combination of parts designed and intended for use in converting any firearm into an automatic weapon, and any combination of parts from which an automatic weapon can be assembled if the parts are in the possession or under the control of a person. Conversion kit includes machine gun conversion devices, chips, auto sears (including conversion “switches”), and three-dimensional printed parts that are designed and intended, whether alone or as a combination of parts, to convert a firearm into an automatic weapon (machine gun) or otherwise enable the firearm to shoot automatically more than one shot, without manual reloading, by a single function of the trigger, consistent with 26 U.S.C. § 5845(b).

Title 14, Virgin Islands Code, section 2253(f) is amended by striking subsection (f) in its entirety and inserting the following:

- (f) Enhanced penalties for unlawful possession in specified locations.
 - (1) Whoever, unless otherwise authorized by law, knowingly violates subsection (a) or (b) of this section while in any of the following locations:
 - (A) in a public or private elementary, junior, secondary, or vocational school building, on school grounds, or at a school-sponsored event;

(B) in a courthouse or courtroom, or in any building or portion of a building in which a judicial proceeding is being conducted; or

(C) in a jail, prison, detention center, or other correctional facility;
shall be punished as set forth in paragraph (2).

(2) Penalties.

(A) In the case of conduct described in subsection (a), the person shall be sentenced to imprisonment of not less than one (1) year nor more than ten (10) years and shall be fined not less than \$10,000 nor more than \$30,000, or both.

(B) In the case of conduct described in subsection (b), the person shall be sentenced to imprisonment of not less than fifteen (15) years nor more than forty (40) years and shall be fined not less than \$25,000 nor more than \$50,000, or both.

(3) This subsection does not apply to persons described in section 453(a) of Title 23 while acting in the discharge of official duties, to duly authorized court security, or to other persons expressly exempted by law.

Title 14, Virgin Islands Code, section 2253 is amended by adding a new subsection (g) to read as follows:

(g) For purposes of this section, including subsections (a) and (b), the phrase “unless otherwise authorized by law” includes authorization and lawful possession under Title 23, chapter 5, including but not limited to sections 455, 460, 474, 474a, and 489b. Compliance with Title 23, chapter 5 constitutes a complete defense to prosecution under this section, to the extent and subject to the limitations set forth therein.

Title 14, Virgin Islands Code, section 2253 is amended by adding a new subsection (h) to read as follows:

(h) Administrative delay safe harbor. No person shall be convicted under subsection (a) solely for having, possessing, bearing, transporting, or carrying a firearm if the person establishes by a preponderance of the evidence that:

(1) prior to the date of the alleged offense, the person submitted a complete application for the issuance of a firearms license under Title 23, chapter 5, section 455;

(2) at the time of submission and at the time of the alleged offense, the person was not prohibited from possessing firearms under federal law or the laws of the Virgin Islands and no ground for denial under Title 23, section 458 applied;

(3) the Commissioner did not approve and issue, or deny in writing, the application within the time required by Title 23, section 456b, and the application was deemed approved by operation of law;

- (4) the person did not have, possess, bear, transport, or carry the firearm during the commission or attempted commission of a crime of violence as defined in subsection (d)(1) of this section; and

Nothing in this subsection shall be construed to authorize possession of a firearm by any person prohibited from possessing firearms under federal law or the laws of the Virgin Islands.

Title 14, Virgin Islands Code, section 2256 is amended by striking the phrase “Title 23, section 451(d)” wherever it appears and inserting in lieu thereof “Title 23, section 451(l).”

Title 14, Virgin Islands Code, section 2256(a)(3) is amended by striking the words “holder of a valid firearms license for the same firearm gauge or caliber ammunition of the firearm indicated on such license” and inserting in lieu thereof “holder of a valid firearms license issued under Title 23, chapter 5, or a person recognized as having a valid, firearms license pursuant to section 460 of Title 23.”

Title 14, Virgin Islands Code, section 2256(a)(4) is amended by inserting the word “knowingly” immediately after the word “who.”

Title 14, Virgin Islands Code, section 2256(b) is amended by striking the words “unless authorized by law possesses” and inserting in lieu thereof “unless authorized by law, knowingly possesses.”

Title 14, Virgin Islands Code, section 2256(f) is amended by striking subsection (f) in its entirety and inserting the following:

- (f) An information based upon a violation of this section need not negate any exemption herein contained. The defendant shall have the burden of producing evidence that the defendant is within an exemption or otherwise authorized by law. If the defendant produces such evidence, the burden is on the Government to prove beyond a reasonable doubt that the defendant is not within such exemption or otherwise authorized by law.

Title 14, Virgin Islands Code, section 2256 is amended by adding a new subsection (g) to read as follows:

- (g) For purposes of subsection (a)(3), the term “holder of a valid firearms license” includes a person within any renewal grace period during which prosecution is barred under Title 23, section 455, and a person issued a dated receipt or temporary registration certificate pursuant to Title 23, section 489b, and a person acting pursuant to sections 474 and 474a of Title 23, to the extent and subject to the limitations set forth in those sections.

SECTION 6A. TECHNICAL CONFORMING AMENDMENTS.

Title 14, Virgin Islands Code, section 61 is amended by striking “Title 23, section 451(e)” each place it appears and inserting in lieu thereof “Title 23, section 451(h).”

Title 14, Virgin Islands Code, section 2072(d) is amended by striking “Title 23, section 451, subsection (e)” and inserting in lieu thereof “Title 23, section 451(h).”

SECTION 7. PROMULGATION OF RULES; IMPLEMENTATION.

- (a) Within ninety (90) days after the date of enactment of this Act, the Commissioner of the Virgin Islands Police Department shall promulgate, in final form, such rules and regulations as are necessary to implement this Act, including uniform licensing and registration forms, objective standards, fee schedules, and procedures, consistent with the Virgin Islands Administrative Procedures Act. Any such rules and regulations shall become effective on the delayed effective date provided in SECTION 10(b) of this Act.
- (b) The Department shall publish and maintain, in a publicly accessible manner, current application forms, document checklists, fee schedules, published processing timelines for firearms licensing and registration, and the list of recognized out-of-state licenses and permits required by section 460.

SECTION 8. SEVERABILITY.

If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION 9. CONSTITUTIONAL CONSTRUCTION.

- (a) This Act, and Title 23, chapter 5 as amended by this Act, shall be construed and implemented in a manner consistent with the Second, Fourth, Eighth, and Fourteenth Amendments to the Constitution of the United States, the Revised Organic Act of 1954, and controlling precedent of the Supreme Court of the United States.
- (b) No provision of this Act shall be construed to authorize discretionary licensing standards, ad hoc requirements, or broad place-based prohibitions that are not narrowly defined and grounded in objective, historically recognized analogues. The Commissioner and the Department shall not designate additional “sensitive places” by regulation unless expressly authorized by statute and supported by an adequate historical analogue. Nothing in this Act shall be construed to prohibit the carrying or possession of firearms in ordinary public places or on private property open to the public by default; a private property owner may, however, restrict firearms on the owner’s property by providing clear and conspicuous notice.
- (c) If any provision of this Act is susceptible to more than one reasonable interpretation, the provision shall be interpreted in the manner that preserves its constitutionality and the constitutionality of Title 23, chapter 5 as amended.

SECTION 10. EFFECTIVE DATE.

- (a) Effective upon enactment. Notwithstanding subsection (b), SECTION 7 of this Act (PROMULGATION OF RULES; IMPLEMENTATION) shall take effect upon enactment.
- (b) Delayed effective date. Except as provided in subsection (a), this Act shall take effect one hundred eighty (180) days after enactment.
- (c) Grace period commencement. For the avoidance of doubt, the one-time one-year grace period in Title 23, section 489b(d) shall commence on the delayed effective date provided in subsection (b) and shall expire one (1) year thereafter.