

No. 8 of 2025

VIRGIN ISLANDS
DRUG TRAFFICKING OFFENCES (AMENDMENT) ACT, 2025
ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement
2. Insertion of sections 4B, 4C and 4D
3. Section 33 amended
4. Section 35 amended
5. Section 36 amended
6. Insertion of section 53A

I ASSENT

(Sgd.) Daniel Pruce,
Governor.
10th April, 2025

VIRGIN ISLANDS

No. 8 of 2025

AN ACT TO AMEND THE DRUG TRAFFICKING OFFENCES ACT, REVISED EDITION 2020, TO ADDRESS CERTAIN DEFICIENCIES IDENTIFIED IN THE CARIBBEAN FINANCIAL ACTION TASK FORCE (CFATF) FOURTH ROUND MUTUAL EVALUATION REPORT IN RELATION TO COMPLIANCE WITH INTERNATIONAL STANDARDS ON MONEY LAUNDERING AND TERRORIST FINANCING AND FOR RELATED MATTERS.

[Gazetted 17th April, 2025]

ENACTED by the Legislature of the Virgin Islands as follows:

Short title and commencement

1. (1) This Act may be cited as the Drug Trafficking Offences (Amendment) Act, 2025.

(2) This Act shall come into force on such date as the Governor may, by Notice published in the *Gazette*, appoint.

Insertion of sections 4B, 4C and 4D

2. The Drug Trafficking Offences Act, Revised Edition 2020, (hereinafter referred to as the “principal Act”) is amended by inserting after section 4A, the following sections:

“Authorised person

4B. (1) The Commissioner of Police may authorise a police officer, or any other person, in writing, to act as a covert operative for the purpose of detecting the commission of an offence under this Act.

(2) The Commissioner of Police, at any time, may revoke in writing an authorisation granted under subsection (1) and such revocation shall

have effect once issued to the police officer or any other person authorised under subsection (1).

(3) For the purpose of subsection (1), an authorised person may acquire and have in his or her possession a dangerous drug.

(4) An authorised person who exercises the powers conferred on the person by subsection (3) is not an accomplice in respect of, and does not commit, any offences detected in the exercise of the person's powers and the person's evidence is admissible in any proceedings against an accused person for such offences.

(5) An authorised person other than a police officer who, after having acquired a controlled drug under subsection (3), fails to deliver such controlled drug as soon as reasonably possible, to a police officer commits an offence.

(6) A certificate issued and signed by the Commissioner of Police stating that the person named in the certificate is an authorised person during the specified period shall, until the contrary is proved, be evidence of the matters stated the certificate.

(7) A police officer who exercises any of the powers shall comply with such procedures as may be prescribed in in the Police Act, Revised Edition 2013, for the conduct of special investigative techniques.

Powers of investigation

4C. (1) Subject to subsection (3), where a Judge in Chambers is satisfied by information on oath that there is reasonable ground to suspect that an offence under this Act has been or is likely to be committed, the Judge may issue a warrant authorising a police officer

- (a) to tap or place under surveillance, for a period not exceeding six months, the telephone lines used by any person suspected of participation in the commission of such an offence;
- (b) to have access to the computer systems used by any person suspected of participation in the commission of such an offence and place them under surveillance;
- (c) to place a bank account under surveillance when it is suspected of being used for operations related to such an offence; or
- (d) to have access to all banks, financial and commercial records that may reasonably concern transactions related to such an offence.

(2) Notwithstanding any other enactments, a person shall not, on the ground of professional secrecy or otherwise refuse, to comply with the requirements of a warrant issued under subsection (1).

(3) Where an application under subsection (1) is to be made and the potential subject of that application is a member of the House of Assembly, the Commissioner of Police shall, prior to making the

application, obtain the approval of the Premier, or if the subject is the Premier, obtain the approval of the Governor.

Controlled delivery

4D. (1) The Commissioner of Police or a Gazetted Police Officer authorised by the Commissioner of Police may authorise the passage or entry into the Territory of any consignment of dangerous drugs suspected of being dispatched with a view to the commission of an offence under this Act, for the purpose of identifying the persons involved in the commission of such an offence.

(2) The Commissioner of Police or a person authorised under subsection (1) may, if the Commissioner of Police or the authorised person thinks fit, cause the consignment to be lawfully intercepted and allowed to proceed upon its way either intact or after seizure of the dangerous drugs contained in the consignment and may also direct their replacement by substances other than controlled drugs.

(3) The exercise of any of the powers contained in this section shall not afford any defence to a person charged with an offence under this Act.

(4) The Commissioner of Police may consult with the Commissioner for Customs in the exercise of any of the powers under subsections (1) and (2).

(5) The Commissioner for Customs shall comply with instructions issued by the Commissioner of Police for the purpose of carrying out any of the powers under this section.

(6) An officer who exercises any of the powers shall comply with such procedures as may be prescribed in in the Police Act for the conduct of special investigative techniques.”.

Section 33 amended

3. Section 33 of the principal Act is amended in subsection (9)

(a) in paragraph (a),

(i) by deleting the numeral “7” and substituting the numeral “8”; and

(ii) by deleting the numerals “\$300,000” and substituting the numerals “\$500,000”; and

(b) in paragraph (b),

(i) by deleting the numerals “15” and substituting the numerals “20”; and

(ii) by deleting the numerals “\$600,000” and substituting the numerals “\$1,500,000”.

Section 35 amended

4. Section 35 of the principal Act is amended in subsection (6)(a) by deleting the words “3 years” and substituting the words “4 years”.

Section 36 amended

5. Section 36 of the principal Act is amended in subsection (10)(a) by deleting the words “a fine not exceeding \$150,000” and substituting the words “a fine not exceeding \$250,000”.

Insertion of section 53A

6. The principal Act is amended by inserting after section 53 the following section:

“Duty to co-operate or provide assistance in drug investigation and proceedings

53A. (1) Subject to the provisions of this Act, the Commissioner of Police may, upon a request in writing or on his or her own volition, co-operate with

- (a) any law enforcement agency in the Territory;
- (b) a competent authority acting pursuant to an enactment; or
- (c) any foreign law enforcement agency, for the purposes of
 - (i) investigating an offence;
 - (ii) assisting with or facilitating any investigating of an offence; or
 - (iii) ensuring compliance with a request from a law enforcement agency in the Territory, a competent authority or a foreign law enforcement agency, acting pursuant to an enactment.

(2) Co-operation for the purposes of this section may include

- (a) the sharing of documents and information which the Commissioner is not prevented by this Act or any other enactment from disclosing; or
- (b) making requests for assistance to any law enforcement agency in the Territory, competent authority or foreign law enforcement agency acting pursuant to an enactment.

(3) Where, pursuant to a request for assistance made in accordance with this section, any information, document or other material is received, the Commissioner shall, if requested in writing by the authority that provided the information, document or other material, provide in a timely manner feedback to that authority on the use and usefulness of the information, document or other material received.

(4) In providing the feedback on the request for assistance referred to in subsection (3), the Commissioner have regard to the needs of the requesting authority for expeditious action as well as any specific timeframes indicated by the requesting authority.

(5) The competent authority may issue such guidelines as may be required for the procedures and measures in relation to co-operation with

law enforcement agencies, competent authorities and foreign law enforcement agencies for the purposes of this section.

(6) For the purposes of this section, “foreign law enforcement agencies” means any authority in a jurisdiction outside the Virgin Islands which exercises a power or performs a function corresponding or similar to a power or function exercised or performed by Customs, as established under the Customs Management and Duties Act, 2010.”.

Passed by the House of Assembly this 28th day of February, 2025.

(Sgd.) Corine N. George-Massicote,
Speaker.

(Sgd.) Bethsaida Smith-Hanley,
Clerk of the House of Assembly.