



Compendium of U.S. Animal Protection Laws

U.S. Virgin Islands



SUBSTANTIVE PROHIBITIONS AND EXEMPTIONS

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This chapter contains U.S. Virgin Islands’ general animal protection and related statutes with an effective date on or before September 1, 2023. It begins with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories with the relevant part of each statute italicized.

U.S. Virgin Islands may employ similar provisions within other non-animal-specific criminal and civil statutes, may have other more specific statutes in addition to those included, and may have a variety of animal-related regulations in effect. Because the law is continually evolving, always review an official source for the most current language of any statute.

ANIMAL PROTECTION LAWS OF U.S. VIRGIN ISLANDS

U.S. Virgin Islands Laws

SUBSTANTIVE PROHIBITIONS AND EXEMPTIONS

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| 1. Definition of "Animal" | <p>"[A]ny non-human mammal, bird, reptile or amphibian but does not include any pest that might be exterminated"</p> <p>14 V.I. CODE ANN. § 180(c)</p> |
| 2. General Cruelty | <p>Definitions</p> <p>14 V.I. CODE ANN. § 180</p> <p>Animal abuse in the first degree: maliciously or unnecessarily, kills, tortures, mutilates, wounds, etc., forces minor to commit cruelty, someone other than veterinarian crops ears or docks tails, poisons</p> <p>14 V.I. CODE ANN. § 181</p> <p><i>Felony, 2 years imprisonment and \$5,000 fine</i></p> <p>Animal abuse in the second degree: intentionally or knowingly causes unjustifiable or repeated pain/suffering/injury, negligently leans an animal from a vehicle or trailer, cruel transportation</p> <p>14 V.I. CODE ANN. § 182</p> <p><i>Misdemeanor, 1 year imprisonment or \$500 fine</i></p> <p>Animal neglect in the first degree: neglect results in serious physical injury or death, abandonment, dispose of live animal in dumpster/garbage disposal site, allows an animal (including sick/aged/disabled) to suffer torture or unnecessary neglect/pain, or hits and injures an animal with a motor vehicle and fails to make reasonable efforts to contact the owner or otherwise attend to animal's wellbeing</p> <p>14 V.I. CODE ANN. § 183</p> <p><i>Misdemeanor, \$3,000 fine and 500 hours community service</i></p> <p>Animal neglect in the second degree: fails to provide adequate care resulting in needless suffering</p> <p>14 V.I. CODE ANN. § 184</p> <p><i>Misdemeanor, \$500 fine and 100 hours of community service</i></p> <p>Person who is not entitled to possession of an animal, kills the animal for meat, if the animal is worth \$100 or more</p> <p>14 V.I. Code Ann. § 193</p> <p><i>Felony, 2 years imprisonment and/or \$1,000 fine</i></p> |

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| | <p>Exemptions: Pest control 14 V.I. CODE ANN. § 180(c) Veterinary practice, other 14 V.I. CODE ANN. § 181(d),(e) Other 14 V.I. CODE ANN. § 183(b)</p> |
| 3. Animal Fighting | <p>NOTE: Statutes regarding the seizure and restitution for dogs used in dogfighting may be found in those respective sections.</p> <p>Uses or traps an animal to be used as bait/prey/target, including for training animals to fight (except for male fowl used for cockfighting) 14 V.I. Code Ann. § 181(e) <i>Felony, 2 years imprisonment and fine \$2,000-\$5,000</i></p> <p>Dogfighting definitions 19 V.I. Code Ann. § 2602</p> <p>Various dogfighting activities, including spectatorship 19 V.I. CODE ANN. § 2613a <i>Felony</i></p> |
| 4. Sexual Assault | <p>Bestiality 14 V.I. CODE ANN. § 2062 <i>Felony, 5 years imprisonment</i></p> |
| 5. Cruelty to Working Animals | <p>Harming or interfering with police dog or horse 14 V.I. Code Ann. § 194 <i>Beats/stabs/shoots/poisons, etc.: felony, 2 years imprisonment and/or \$2,000 fine— If animal suffers serious injury or death: additional 1 year imprisonment to be served consecutively</i></p> <p><i>Willfully and maliciously obstructs by harassing/frightening, etc.: misdemeanor, 1 year imprisonment and/or \$1,000 fine</i></p> |
| 6. Laws Specific to Farmed Animals | [None] |
| 7. Cruel Hunting, Trapping, and Fishing | <p>Unlawful to use wire or traps to capture deer 12 V.I. CODE ANN. § 63</p> <p>No wild deer may be held in captivity without permission of Commissioner 12 V.I. CODE ANN. § 64</p> |

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| | <p>Unlawful to disturb or destroy sea turtle nests or eggs 12 V.I. CODE ANN. § 318 <i>Misdemeanor, 1 year imprisonment and/or \$600 fine</i></p> <p>Unlawful to fish with explosives or take spiny lobster with poison 12 V.I. CODE ANN. § 322</p> <p>Animal abuse in the second degree: maliciously kill/wound bird or removes eggs/young birds from nest 14 V.I. CODE ANN. § 182 <i>Misdemeanor, 1 year imprisonment or \$500 fine</i></p> |
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| REPORTING LAWS | |
| 8. Cross Reporting | [None] |
| 9. Veterinary Reporting | Veterinarians must report suspected animal abandonment, neglect or abuse; and are immune from civil or criminal liability for such reporting done in good faith. 14 V.I. CODE ANN. § 187(c); 27 V.I. Code Ann. § 189d |
| 10. “Ag-Gag” Laws | [None] |
| CIVIL AND CIVILIAN INTERVENTION | |
| 11. Emergency Rescue and Relief | [None] |
| 12. Civil Enforcement | [None] |
| 13. Domestic Violence and Protection Orders | [None] |
| CRIMINAL JUSTICE INTERVENTION | |
| 14. Maximum Penalties and Statute of Limitations | <p>NOTE: All penalties are defined in the substantive statutes, available in the Substantive Prohibitions and Exemptions sections of this document.</p> <p>Statute of limitations <i>Misdemeanor: 1 year</i> <i>Felony: 3 years</i> 5 V.I. CODE ANN. § 3541</p> |

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| <p>15. Law Enforcement Policies</p> | <p>Definitions 19 V.I.C. § 2602</p> <p>Commissioner of Agriculture shall have power to assist and cooperate with humane societies and others for the protection of animals 19 V.I. CODE ANN. § 2603</p> <p>Commissioner of Agriculture may designate employees and employees of humane societies as animal wardens. Animal wardens are peace officers for the purposes of applicable animal protection laws. Animal wardens may interfere to prevent any act of cruelty and make arrests. 19 V.I. CODE ANN. § 2604</p> <p>Unlawful to interfere with enforcement of animal protection laws or to take an animal away from an officer or agent who has impounded the animal 19 V.I. CODE ANN. § 2622 <i>\$10-\$100 fine</i> 19 V.I. CODE ANN. § 2623</p> |
| <p>16. Seizure</p> | <p>A peace officer or person designated by the Department of Agriculture may enter an area to provide food and water to a domestic animal confined without such for more than 24 consecutive hours. 14 V.I. CODE ANN. § 184(b)</p> <p>Any appropriately designated officer, warden or agent may seize abused or neglected animals. 14 V.I. CODE ANN. § 187(a)</p> <p>Any peace officer for dogfighting shall seize any dog on premises at dogfight; dogs shall be placed in custody of humane society, animal shelter, veterinarian, or other court approved care 19 V.I. CODE ANN. § 2613a</p> |
| <p>17. Courtroom Animal Advocate Program</p> | <p>[None]</p> |
| <p>18. Restitution</p> | <p>Owner is liable for the reasonable cost of food and water for neglected animals. 14 V.I. CODE ANN. § 184(b)</p> <p>Animal Abuse Fund, funded in part by criminal fines, shall be used for non-reimbursed expenses incurred by a humane society, animal shelter, licensed veterinarian, or animal impound pursuant to the chapter on animal cruelty; or for</p> |

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| | <p>cruelty prevention education programs. 14 V.I. CODE ANN. § 186</p> <p>Cost of caring for and treating any animal properly seized under this section is a lien on the animal. 14 V.I. CODE ANN. § 187(d)(2)(E)</p> <p>Owner or custodian is liable for costs of care and medical attention for impounded animals. 14 V.I. CODE ANN. § 187(i)</p> <p>Mandatory restitution for convictions of cruelty to police dogs or horses 14 V.I. CODE ANN. § 194</p> <p>All expenses for treatment and boarding for dogs seized from dogfighting shall be assessed against the owner. 19 V.I. CODE ANN. § 2613a(c)(5)</p> |
| <p>19. Forfeiture and Possession Bans</p> | <p>Upon conviction, an offender shall be enjoined from being a custodian of any animal for up to 20 years. 14 V.I. CODE ANN. § 185(a)</p> <p>Failure to respond to a post-seizure hearing notice, or answer the complaint, results in automatic relinquishment of all rights in the impounded animal. 14 V.I. CODE ANN. § 187(e)</p> <p>If a court finds by a preponderance of the evidence at a post-seizure hearing that a seized animal was mistreated and that the owner or custodian was responsible, or had knowledge of the mistreatment, all owner's or custodian's rights to the animal are forfeited. 14 V.I. CODE ANN. § 187(h)</p> <p>A veterinarian, animal warden, or officer may humanely euthanize a dog used in animal fighting that is injured or diseased past recovery. A veterinarian may determine a dog used in fighting should be euthanized due to viciousness, in which case the owner shall have five days in which to write a written response, with the court deciding final disposition. If the dog is not euthanized, it shall be returned to its owner when it is no longer needed as evidence. 19 V.I. CODE ANN. § 2613a</p> <p>The Commissioner or designated agent may cause an animal to be destroyed if it is so injured, disabled, or diseased as to be past recovery or unfit for any useful</p> |

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| | purpose. 19 V.I. CODE ANN. § 2619 |
| 20. Rehabilitative Sentencing | The court shall order counseling as a condition of probation. 14 V.I. CODE ANN. § 185(b)(1) |

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1. DEFINITION OF “ANIMAL”

14 V.I. Code Ann. § 180. Definitions.

The following terms, wherever used or referenced in this chapter, shall have the following meanings, unless a different meaning clearly appears from the context:

- (a) ‘Adequate care’ means the provision of adequate food, clean water, shelter, sanitary conditions, exercise, rest, and veterinary medical attention in order to maintain the animal in a state of good health.
- (b) ‘Adequate food’ means the provision, at suitable intervals, of wholesome foodstuff, suitable for the species and age of the animal and adequate to maintain a reasonable level of nutrition to allow for proper growth and weight in the animal, all of which foodstuff is served in a safe clean dish or container.
- (c) ‘Animal’ means any non-human mammal, bird, reptile or amphibian but does not include any pest that might be exterminated.
- (d) ‘Animal impound’ means any premises designated by the Commissioner of Agriculture, or his designated agent, for the purpose of impounding and caring for animals.
- (e) ‘To cause or permit unjustifiable pain’ includes overloading, overworking, overdriving, over exercising, tormenting, unjustifiably beating or cruelly whipping an animal, using a disabled animal, maliciously abandoning or restraining an animal.
- (f) ‘Humane society’ and ‘animal shelter’ mean a non-profit corporation organized under the laws of the Virgin Islands as a humane society or shelter, or as a society or shelter for the prevention of cruelty to animals.
- (g) ‘Maliciously’ means intentionally acting with a depravity of mind or reckless and wanton disregard for life.
- (h) ‘Neglect’ means to fail to sufficiently and properly care for an animal to the extent that the animal’s health is jeopardized.
- (i) ‘Owner’ means any person that (1) has a right of property in an animal, (2) keeps or harbors an animal, (3) has an animal in his care, or (4) acts as a custodian of an animal.
- (j) ‘Person’ includes any individual, partnership, corporation or association.
- (k) ‘Serious physical injury’ means any injury that results in a serious or permanent impairment of a bodily function, leaves the animal disfigured or causes prolonged pain or impairment of health.
- (l) ‘Shelter’ means continuous and adequate protection from the elements, suitable for the age and species of animal and weather conditions, to maintain the animal in a state of good health, including appropriate space or provisions for adequate exercise.
- (m) ‘State of good health’ means freedom from disease and illness and in a condition of proper cleanliness, body weight, and temperature for the age and species of the animal, unless the animal is undergoing appropriate medical treatment.
- (n) ‘Unnecessarily kills an animal’ means an act that is not reasonably necessary to terminate an animal’s suffering, to protect the life of the actor or another person or animal, or if other means of disposing of an animal exist which would not impair the health or well being of the animal.
- (o) ‘Provision of adequate water’ means provision of potable water made continuously available in a safe, clean dish, receptacle or container.

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2. GENERAL CRUELTY

14 V.I. Code Ann. § 180. Definitions.

The following terms, wherever used or referenced in this chapter, shall have the following meanings, unless a different meaning clearly appears from the context:

- (a) *'Adequate care'* means the provision of adequate food, clean water, shelter, sanitary conditions, exercise, rest, and veterinary medical attention in order to maintain the animal in a state of good health.
- (b) *'Adequate food'* means the provision, at suitable intervals, of wholesome foodstuff, suitable for the species and age of the animal and adequate to maintain a reasonable level of nutrition to allow for proper growth and weight in the animal, all of which foodstuff is served in a safe clean dish or container.
- (c) *'Animal'* means any non-human mammal, bird, reptile or amphibian but does not include any pest that might be exterminated.
- (d) *'Animal impound'* means any premises designated by the Commissioner of Agriculture, or his designated agent, for the purpose of impounding and caring for animals.
- (e) *'To cause or permit unjustifiable pain'* includes overloading, overworking, overdriving, over exercising, tormenting, unjustifiably beating or cruelly whipping an animal, using a disabled animal, maliciously abandoning or restraining an animal.
- (f) *'Humane society'* and *'animal shelter'* mean a non-profit corporation organized under the laws of the Virgin Islands as a humane society or shelter, or as a society or shelter for the prevention of cruelty to animals.
- (g) *'Maliciously'* means intentionally acting with a depravity of mind or reckless and wanton disregard for life.
- (h) *'Neglect'* means to fail to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized.
- (i) *'Owner'* means any person that (1) has a right of property in an animal, (2) keeps or harbors an animal, (3) has an animal in his care, or (4) acts as a custodian of an animal.
- (j) *'Person'* includes any individual, partnership, corporation or association.
- (k) *'Serious physical injury'* means any injury that results in a serious or permanent impairment of a bodily function, leaves the animal disfigured or causes prolonged pain or impairment of health.
- (l) *'Shelter'* means continuous and adequate protection from the elements, suitable for the age and species of animal and weather conditions, to maintain the animal in a state of good health, including appropriate space or provisions for adequate exercise.
- (m) *'State of good health'* means freedom from disease and illness and in a condition of proper cleanliness, body weight, and temperature for the age and species of the animal, unless the animal is undergoing appropriate medical treatment.
- (n) *'Unnecessarily kills an animal'* means an act that is not reasonably necessary to terminate an animal's suffering, to protect the life of the actor or another person or animal, or if other means of disposing of an animal exist which would not impair the health or well being of the animal.
- (o) *'Provision of adequate water'* means provision of potable water made continuously available in a safe, clean dish, receptacle or container.

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14 V.I. Code Ann. § 181. Animal Abuse in the First Degree.

Any person who maliciously or unnecessarily:

- (a) kills any animal; or*
- (b) tortures, maims, mutilates, disfigures, wounds, or inflicts unjustifiable pain on any animal; or*
- (c) forces, causes or induces a minor to maliciously or unnecessarily kill, torture, maim, mutilate; maliciously disfigure, wound or inflict unjustifiable pain on any animal; or*
- (d) causes or permits the cropping of any animal's ears or the docking of any animal's tail by a person other than a licensed veterinarian; or*
- (e) uses or traps to use domestic dogs, cats or any other animal as bait, prey or target or other malicious activities, including for the purpose of, but not limited to, training dogs or other animals to fight, excluding adult, male fowl used for the sport of cockfighting; or*
- (f) administers any poison to an animal or exposes any poisonous substance with the intent that the substance be taken or swallowed by the animal shall, for each offense, be guilty of a felony punishable by imprisonment not exceeding two (2) years and fined not less than \$2,000, but not exceeding \$5,000.*

14 V.I. Code Ann. § 182. Animal Abuse in the Second Degree.

Any person who intentionally or knowingly:

- (a) causes, permits or inflicts unjustifiable or repeated physical pain, suffering or injury to any animal; or*
- (b) leads any animal from any vehicle or from a trailer drawn by a motor vehicle in a malicious or negligent manner; or*
- (c) transports an animal in a malicious manner or causes an animal to be transported in a malicious manner that results in unreasonable pain and suffering; or*
- (d) maliciously kills, wounds or traps any bird; destroys any bird's nest; or removes any eggs or young birds from any nest shall, for every such offense, be guilty of a misdemeanor punishable by imprisonment not exceeding one (1) year or a fine of \$500.*

14 V.I. Code Ann. § 183. Animal Neglect in the First Degree.

Any person who intentionally, knowingly, recklessly or negligently:

- (a) fails to provide an animal in such person's custody or control with adequate care, and such failure causes serious physical injury or death to the animal; or*
- (b) abandons an animal or causes an animal to be abandoned in any place without making provisions for the animal's adequate care, unless the premises are temporarily vacated for the protection of human life during disaster; or*
- (c) disposes of any live animal at or into a dumpster or at any garbage disposal site; or*
- (d) allows an animal, including one who is aged, diseased, maimed, hopelessly sick, disabled or nonambulatory to suffer torture or unnecessary neglect or pain; or*
- (e) while operating a motor vehicle, hits or injures any animal and fails to make all reasonable efforts to contact the owner of the animal and otherwise attend to the animal's medical well-being; or*

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(f) confines an animal in a motor vehicle or other enclosed space in which the temperature is so high as to cause or threaten serious harm to the animal; shall, for every such offense, be guilty of a misdemeanor punishable by a fine not exceeding \$3,000 and up to 500 hours of community service.

14 V.I. Code Ann. § 184. Animal Neglect in the Second Degree.

(a) Any person who intentionally, knowingly, recklessly or negligently fails to provide adequate care for an animal in such person's custody and such failure causes the animal needless suffering shall, for every such offense, be guilty of a misdemeanor punishable by a fine of up to \$500 and up to one hundred (100) hours of community service.

(b) If any domestic animal is at any time confined and continues to be confined without necessary food and water for more than 24 consecutive hours, it is lawful for any person designated by the Department of Agriculture, or any peace officer from time to time, as may be considered necessary, to enter into and upon any pound or area in which the animal is confined, and supply it with necessary food and water so long as it remains so confined. Such a person is not liable for the entry and may collect the reasonable cost of the food and water from the owner of the animal, and the owner is subject to enforcement of a money judgment for the reasonable cost of such food and water.

14 V.I. Code Ann. § 193. Wrongful killing of animals for personal use or financial gain [Renumbered].

Any person not entitled to the possession of any animal or animals, who with the intent to permanently deprive the owner of the same, kills the animal or animals for the purpose of procuring the meat for his own personal use or to sell the meat or carcass for personal gain is, if the total value of the animal or animals is \$100 or more, guilty of a felony and shall be subject to imprisonment for not more than two years or a fine of not more than \$1000 or both.

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3. ANIMAL FIGHTING

14 V.I. Code Ann. § 181. Animal Abuse in the First Degree.

Any person who maliciously or unnecessarily:

- (a) kills any animal; or
- (b) tortures, maims, mutilates, disfigures, wounds, or inflicts unjustifiable pain on any animal; or
- (c) forces, causes or induces a minor to maliciously or unnecessarily kill, torture, maim, mutilate; maliciously disfigure, wound or inflict unjustifiable pain on any animal; or
- (d) causes or permits the cropping of any animal's ears or the docking of any animal's tail by a person other than a licensed veterinarian; or
- (e) *uses or traps to use domestic dogs, cats or any other animal as bait, prey or target or other malicious activities, including for the purpose of, but not limited to, training dogs or other animals to fight, excluding adult, male fowl used for the sport of cockfighting;* or
- (f) administers any poison to an animal or exposes any poisonous substance with the intent that the substance be taken or swallowed by the animal shall, for each offense, be guilty of a felony punishable by imprisonment not exceeding two (2) years and fined not less than \$2,000, but not exceeding \$5,000.

19 V.I. Code Ann. § 2602. Definitions.

The following terms, wherever used or referred to in this chapter, shall have the following meanings, unless a different meaning clearly appears from the context:

- (1) 'Commissioner' means the Commissioner of Agriculture for the Virgin Islands or any of his duly authorized representatives.
- (2) 'Owner' includes any person owning, keeping or harboring any domestic animal, or leasing any domestic animal from another, or any person who allows a domestic animal habitually to remain about the premises inhabited by such person.
- (3) 'Kennel' means the commercial business of breeding, buying, selling or boarding dogs, on premises used for such business.
- (4) 'Animal shelter' means any premises designated by the Commissioner of Agriculture or his designated agent for the purpose of impounding and caring for animals.
- (5) 'Animal warden' refers to any person designated by the Commissioner of Agriculture as an enforcement officer under this chapter.
- (6) 'Humane society' means a nonprofit corporation organized under the laws of the Virgin Islands as a humane society or a society for the prevention of cruelty to animals.
- (7) '*Baiting*' means *to attack with violence, to provoke or harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fight with or among other animals.*
- (8) 'Potentially dangerous dog' means any dog that without provocation:
 - (a) inflicts bites on a human or domestic animal on public or private property; or

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- (b) chases or approaches a person upon public property in an attitude of attack, or has a known propensity or tendency to attack, or otherwise to threaten the safety of humans or domestic animals.
- (9) 'Dangerous dog' means any dog that according to the records of the animal shelter:
- (a) has inflicted severe injury without provocation on a human being;
 - (b) has killed, without provocation, a domestic animal in an area other than the owner's property;
 - (c) has been previously found to be potentially dangerous, the owner having received notice of such and the dog again bites, attacks, or endangers the safety of humans or domestic animals;
- or
- (d) is owned, harbored, or trained, primarily or in part, for the purpose of dog fighting.
- (10) 'Severe injury' means any physical injury that results in broken bones and/or disfiguring lacerations which require multiple sutures or cosmetic surgery.
- (11) 'Proper enclosure' means while on the owner's property, a dangerous dog shall be securely confined indoors, or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such a pen shall have secure sides and a secure top and shall also provide protection from the elements for the dog. Such pen or structure must have minimum dimensions of five (5) feet by ten (10) feet per dog. If no bottom is secured to the sides, the sides must be imbedded into the ground not less than two (2) feet.
- (12) 'Owner' means any person, firm, corporation, or organization who possesses, harbors, keeps, or has an interest in, or who has control or custody of an animal. If the owner or keeper of a dangerous dog is a minor, the parents or guardians of that minor shall be responsible for compliance with the specifications of this chapter, for the care and housing of the animal and shall also be liable for all injuries and property damage sustained by any person or domestic animal as a result of an attack by the dangerous dog.
- (13) 'Without provocation' or 'unprovoked' means that the person bitten or attacked:
- (a) did not mischievously or carelessly provoke or aggravate the dog;
 - (b) was not committing a willful trespass or other tort upon the premises occupied by the owner of the dog;
 - (c) was not tormenting, abusing, or assaulting the dog;
 - (d) has not in the past been observed or reported to have tormented or abused or assaulted the dog; or
 - (e) was not committing or attempting to commit a crime.
- (14) *'Equipment used for training or handling a fighting dog' means other animals intended to be used as bait, harnesses, treadmills, cages, decoys, pens, houses, feeding apparatuses, training pens, trailers used to transport such dogs and other related devices and equipment.*
- (15) *'Equipment used to promote or advertise a dogfight' means any printing presses or similar equipment, any paper, and related items and equipment intended to be used to transport such equipment.*
- (16) *'Equipment used to stage a dogfight' means dogfighting arenas, bleachers, spectator stands or other seating, tents, canopies, buildings, fences, cages, speakers, public address systems, portable toilet facilities and any other related equipment.*
- (17) *'Fighting dog' means any dog trained, being trained, intended to be used for training, or intended to be used to attack, bite, wound or bait another dog.*
- (18) 'Department' means the Department of Agriculture.

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19 V.I. CODE ANN. § 2613a. Promoting, staging, advertising or witnessing dogfights; confiscation of equipment; possession of dog.

(a) *Whoever:*

- (1) *willfully, or for any bet, stake, or reward, instigates or encourages any dog to attack, bite, wound or bait another dog, except in the course of protection of life or property;*
- (2) *keeps any house, pit or other place, or provides any equipment or facilities to be used in permitting any fight between dogs;*
- (3) *does any act or performs any service in the furtherance of, or to facilitate, any dogfight including promotion, refereeing, handling of dogs at a dogfight, transporting spectators to or from a dogfight, providing concessions at a dogfight, advertising a dogfight, or serving as a stake-holder of any money wagered on any dogfight; or*
- (4) *owns, possesses, keeps, or trains any dog with the intent that such dog will be engaged in an exhibition of fighting with another dog shall be guilty of a felony punishable by imprisonment for not more than two (2) years and fined not less than two thousand dollars (\$ 2,000) nor more than four thousand dollars (\$ 4,000). However, any person who is knowingly present as a spectator at any place, building, or other site where preparations are being made for an exhibition of dogfighting with the intent to be present at such preparation or fight, or who is knowingly present at such exhibition shall be guilty of a felony punishable by imprisonment for not more than eighteen (18) months and fined not more than one thousand dollars (\$ 1,000) for a first offense and imprisonment for not more than five (5) years, and fined not more than five thousand dollars (\$ 5,000) for any second or subsequent offense.*

(b) *Any peace officer who arrests a person under subsection (a) of this section may lawfully take possession of all equipment used for training, handling, or transporting a fighting dog and all equipment used to stage, promote or advertise a dogfight. Following a conviction under this section, the court entering the judgment shall order that any and all such equipment used in violation of this section be destroyed or forfeited to the Government of the United States Virgin Islands.*

(c) *Any peace officer making an arrest under this section shall lawfully take possession of any dog on the premises where the dogfight is alleged to have been staged or occurred and any dog kept on the premises of any person arrested under this section.*

- (1) *When a peace officer takes possession of a dog under this subsection, the dog will be placed in the care of a humane society, animal shelter, court-approved licensed veterinarian, or a court-approved private housing facility under the supervision of a veterinarian, employee of the animal shelter, or officer of the humane society for boarding, treatment, or other care.*
- (2) *The veterinarian, animal warden, or officer may humanely euthanize the dog that is in his opinion injured or diseased past recovery, or whose continued existence is inhumane and whose destruction is necessary to relieve pain or suffering. The owner of a dog destroyed under this subsection shall not be entitled to damages.*
- (3) *If the veterinarian determines by means of physical examination or observation that the dog should be humanely euthanized due to lack of any useful purpose because of training or viciousness, a written request to destroy the dog shall be submitted to the court for approval. The court shall give notice to the dog's owner who shall have five (5) days in which to submit a written response. After five (5) days, upon a finding by the court that the dog lacks any useful*

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purpose due to training or viciousness, it shall be within the authority of the veterinarian, animal warden, or officer of the humane society to humanely euthanize the dog when it is no longer needed as evidence.

- (4) If the veterinarian determines by means of physical examination and observation that the dog has not been trained for aggressive conduct or if the court finds that the dog should not be humanely euthanized for reasons of training or viciousness, the dog shall be returned to its owner when the dog is no longer needed as evidence. The dog, however, may be subject to dangerous dog designation as provided under section 2615c of this chapter.
- (5) All expenses incurred for treatment, boarding and other care of the dog, prior to the conviction of the owner, shall be assessed against the owner.

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4. SEXUAL ASSAULT

14 V.I. CODE ANN. § 2062. Bestiality.

Whoever shall carnally copulate with a beast shall be imprisoned not more than 5 years.

ANIMAL PROTECTION LAWS OF U.S. VIRGIN ISLANDS**5. CRUELTY TO WORKING ANIMALS****14 V.I. Code Ann. § 194. Dogs or horses used by peace officers; willful or malicious harm or interference; penalty; restitution [Renumbered].**

- (a) *Any person who willfully and maliciously and with no legal justification strikes, beats, kicks, stabs, shoots with a firearm, administers any poison or other harmful or stupefying substance to, or throws, hurls, or projects at, or places any rock, object, or other substance which is used in such a manner as to be capable of producing injury and is likely to produce injury, on or in the path of, any dog, under the supervision of, or any horse being used by, any peace officer in the discharge or attempted discharge of his duties, is guilty of a felony and shall be subject to a fine of not more than \$2000 or imprisonment for not more than 2 years, or both.*
- (b) *Any person who willfully and maliciously and with no legal justification interferes with or obstructs any dog or horse being used by a peace officer in the discharge or attempted discharge of his duties by frightening, teasing, agitating, harassing, or hindering the dog or horse shall be guilty of a misdemeanor and shall be subject to a fine of not more than \$1000 or imprisonment for not more than 1 year, or both.*
- (c) *Any person who, in violation of this section, and with intent to inflict such injury or death, causes the death, destruction, or serious physical injury, including but not limited to, bone fracture, loss or impairment of function of any bodily member, wounds requiring extensive suturing, or crippling, of any dog or horse, shall upon conviction of a felony under subsection (a) of this section be subject to a term of imprisonment of one (1) year in addition and consecutive to the punishment prescribed for such felony.*
- (d) In any case in which a defendant is convicted of a violation of this section, the defendant shall be ordered to make restitution to the agency, department, independent instrumentality or subdivision of the Government of the Virgin Islands owning the animal or employing the peace officer for any veterinary bills, replacement costs of the animal if it is disabled or killed, and the salary of the peace officer for the period of time his services are lost to the Government.

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6. LAWS SPECIFIC TO FARMED ANIMALS

Editor's Note: *This section does **not** contain all state or territorial laws regarding farmed animals. This section contains only criminal statutes with the primary purpose of preventing individual farmed animals from suffering unnecessary pain or suffering.*

[None]

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7. CRUEL HUNTING, TRAPPING, AND FISHING

Editor's Note: *This section does **not** contain all state or territorial laws regarding hunting, trapping, and fishing. This section contains only criminal statutes with the primary purpose of preventing individual wild animals from suffering unnecessary pain or suffering.*

12 V.I. CODE ANN. § 63. Use of wire and other traps

No person shall use wire or other traps to capture or ensnare deer.

12 V.I. CODE ANN. § 64. Capturing deer

No wild deer may be held in captivity without the written permission of the Commissioner.

12 V.I. CODE ANN. § 318. Protection of marine turtles, nests and eggs; penalties

- (a) It is the intent of the Legislature of the United States Virgin Islands to contribute to the preservation of marine turtles in the Caribbean area, said turtles now being close to extinction.
- (b) *It shall be unlawful for any person to take, kill, possess, mutilate or in any way destroy any loggerhead, leatherback, hawksbill, ridley or green turtle or any other species of sea turtle, or take or possess any part thereof while such turtle is on the beaches of the territory at any time, or to take or possess any such turtle in the territorial waters during the months of May through September, inclusive, of each year and at such other times as the Commissioner may by rule and regulation prescribe. It shall be unlawful to import, export, trade, sell or in any way deal in sea turtles of any kind; provided, however, that the Commissioner may issue written permission to any licensed or publicly owned zoo or exhibitor of marine life to capture such turtles for purposes of live exhibition.*
- (c) *No person may take, possess, disturb, mutilate, destroy, cause to be destroyed, sell, offer for sale, transfer, molest or harass any sea turtle nest or eggs at any time.*
- (d) *Any person violating any provision of this section is guilty of a misdemeanor and shall, upon conviction therefor, be punished by a fine of not less than one hundred (\$100) dollars nor more than six hundred (\$600) dollars, or by imprisonment for a period not to exceed one (1) year, or by both such fine and imprisonment.*

12 V.I. CODE ANN. § 322. Fishing with explosives, poisons, drugs, chemicals, spears, hooks, or similar devices

- (a) *It is prohibited to fish by means of explosives in the territory, or to sell or to possess fish caught by means of any kind of explosives, except that sharks may be taken with an implement popularly known*

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as a 'bang stick' and possession of sharks taken by such means shall not be unlawful.

- (b) Spiny lobsters shall not be taken with explosives, poisons, drugs, or other chemicals, nor with spears, hooks or similar devices.*
- (c) Any person violating the provisions of this section is guilty of a misdemeanor and shall upon conviction therefor, be punished by a fine of not less than three hundred (\$300) dollars nor more than five hundred (\$500) dollars on each count or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.*

14 V.I. CODE ANN. § 182. Animal Abuse in the Second Degree.

Any person who intentionally or knowingly:

- (a) causes, permits or inflicts unjustifiable or repeated physical pain, suffering or injury to any animal; or*
- (b) leads any animal from any vehicle or from a trailer drawn by a motor vehicle in a malicious or negligent manner; or*
- (c) transports an animal in a malicious manner or causes an animal to be transported in a malicious manner that results in unreasonable pain and suffering; or*
- (d) maliciously kills, wounds or traps any bird; destroys any bird's nest; or removes any eggs or young birds from any nest shall, for every such offense, be guilty of a misdemeanor punishable by imprisonment not exceeding one (1) year or a fine of \$500.*

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8. CROSS REPORTING

[None]

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9. VETERINARY REPORTING

14 V.I. Code Ann. § 187. Seizure.

- (a) Any employee of the Department of Agriculture appropriately designated by the Commissioner of Agriculture, any peace officer, animal warden or agent of a Humane Society or Animal Shelter designated by the Commissioner of Agriculture pursuant to title 19, section 2604 of the Virgin Island Code, who becomes aware of any animal that the officer, warden or agent determines, in his sole discretion, to be an apparent victim of animal abuse or neglect as defined under this chapter, shall take possession of the animal and shall deliver the animal to a Humane Society, Animal Shelter, Animal Impound or licensed veterinarian to be sheltered, cared for and given medical attention, if necessary. If the animal is taken to a licensed veterinarian, the officer, warden or agent shall notify the appropriate Animal Shelter or Humane Society of that fact. Any employee of the Department of Agriculture appropriately designated by the Commissioner of Agriculture, peace officer, animal warden or agent of a Humane Society or Animal Shelter designated by the Commissioner of Agriculture pursuant to title 19, section 2604 of the Virgin Island Code, acting pursuant to this section may take any action that such officer, warden or agent considers, in his sole discretion, reasonably necessary to seize such animal so endangered and to remove the threat of further harm to the animal, and no such officer, warden, veterinarian or agent, or his employers, or the Government of the Virgin Islands shall be liable for any harm or damages of whatever nature caused by such action or for any other action taken pursuant to this chapter.
- (b) The veterinarian, animal warden or agent of a Humane Society, Animal Shelter, or animal impound receiving an animal from the Department of Agriculture pursuant to this section may humanely euthanize the animal, if such veterinarian, warden or agent, in his sole discretion, determines that the animal is injured or diseased past recovery, or that the animal's continued existence is inhumane and that euthanizing the animal is necessary to relieve pain or suffering.
- (c) *It is the duty of any veterinarian licensed in the Virgin Islands to report to the Police Department, Department of Justice, Department of Agriculture, any peace officer or other appropriate enforcement agency, any animal found, reasonably known or believed to be abandoned, neglected or abused as defined in this chapter, and such veterinarian is not subject to any civil or criminal liability for such reporting or for participating in an investigation of animal abuse or neglect, if done in good faith.*
- (d) If an animal seized under subsection (a) of this section is not euthanized pursuant to subsection (b), the Animal Shelter, Humane Society or animal impound in possession of the animal, or notified of a veterinarian's possession of the animal, shall make reasonable efforts to notify the owner or custodian of the animal of such seizure pursuant to the terms of paragraphs (1) and (2) of this subsection.
- (1) If the identity and the mailing address of the custodian or owner are known, written notice of seizure shall be given and shall be deposited in the postal service, postage pre-paid and certified.
 - (2) The notice shall include all of the following:
 - (A) The name, business address, and telephone number of the officer providing the notice and the date of the notice.
 - (B) A description of the animal seized, including any identification upon the animal.

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- (C) The authority and purpose for the seizure, or impoundment, including the time, place, and circumstances under which the animal was seized.
 - (D) A statement that, in order to receive a post-seizure hearing, the owner or person authorized to keep the animal, or his agent, shall request the hearing pursuant to the procedures set forth in subsection (e) of this section.
 - (E) A statement that the cost of caring for and treating any animal properly seized under this section is a lien on the animal and that the animal shall not be returned to the owner until the charges are paid, and that failure to request or to attend a scheduled hearing shall result in liability for this cost.
 - (F) Notice is deemed accomplished three days after the mailing of the notice, and in no event may proof of receipt of such notice be required.
 - (G) If the identity of the custodian or owner is known, but the custodian or owner's mailing address is unknown, notice of seizure shall be given either by delivery of written notice to the custodian or owner, in which case, notice shall be deemed accomplished upon delivery or by the procedures set forth in subparagraph (H) of this paragraph.
 - (H) If the identity of the custodian or owner is unknown, notice of seizure shall be given either by posting for written notice thereof at the physical location of such seizure or by publishing written notice thereof in a newspaper of general circulation on the island of seizure, and notice shall be deemed accomplished three days after such posting or publication.
- (e) The owner or custodian of the seized animal must deliver to the Animal Shelter, Humane Society or animal impound written notice of the owner's or custodian's desire to contest the seizure of the animal and to regain custody of the animal within three days after delivery of such notice. To be considered effective, the notice of the owner or custodian of the seized animal must set forth the owner's or custodian's physical address and mailing address. If the owner or custodian of the animal fails to deliver such notice within the specified period, then the owner or custodian shall be deemed to have relinquished all legal and custodial rights to such animal and to have delivered such animal to the ownership and custody of the Department of Agriculture.
- (f) If the owner or custodian of the animal delivers the notice set forth in subsection (e) within the stated period, the Commissioner of Agriculture, within five days after receipt of such notice shall hold an administrative hearing to make a determination as to whether the animal should have been removed. After a determination that the animal should have been removed, the Commissioner shall file a complaint in the Superior Court setting forth the facts and circumstances relating to the seizure of the animal and such facts as he has been able to determine relating to the animal's care, custody, and condition and requesting that legal and custodial rights to such animal be transferred to the Animal Shelter or Humane Society. A copy of such a complaint shall be served on the owner or custodian of the animal.
- (g) If the owner or custodian of the animal wishes to dispute the allegations of the complaint or the requested relief, he shall file an answer to the complaint within 10 days after service, setting forth his response to the allegations of the complaint. If no such answer is filed within the ten-day time limit, the legal and custodial rights to the animal shall be deemed transferred to the Animal Shelter or Humane Society, and the court shall, on application of the Department of Agriculture and the consent of the Animal Shelter or Humane Society, enter an order to that effect. If an answer is filed, the court

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shall hold a hearing on the merits of the matter within 30 days thereafter. Neither party shall have the right to trial by jury at such a hearing.

- (h) At the adjudicatory hearing, the Department of Agriculture shall bear the burden of proving by preponderance of evidence that the seized animal was neglected or abused as defined in this chapter, and that the owner or custodian was either responsible for or had or should have had knowledge of the abuse or neglect. If the court so finds, the court shall enter an order transferring legal and custodial rights to the animal to the Department of Agriculture and shall enter judgment against the owner or custodian for an amount pursuant to subsection (i) of this section.
- (i) The owner or custodian of such animal shall be liable to the Department of Agriculture, Humane Society, Animal Shelter, or licensed veterinarian for the payment of such care keeping and medical attention provided to the animal from the date of its delivery to the date of its release.

27 V.I. Code Ann. § 189d. Reporting of animal cruelty.

- (a) Every person licensed under this chapter shall report to the Commissioner, the Board, and the Virgin Islands Police Department suspected animal cruelty, including cases of an animal exhibiting injuries consistent with dog fighting or injuries due to the administration of improper dosages of any drug or medicine.*
- (b) A person licensed under this chapter who makes a report of suspected animal cruelty or who provides records or information related to a report of suspected cruelty or testifies in any judicial proceeding arising from such report, records, or information is immune from any civil or criminal liability or administrative penalty or sanction on account of the report, records, information, or testimony, unless such person acted in bad faith or with a malicious purpose.*

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10. "AG-GAG" LAWS

[None]

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11. EMERGENCY RESCUE AND RELIEF

[None]

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12. CIVIL ENFORCEMENT

[None]

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13. DOMESTIC VIOLENCE AND PROTECTION ORDERS

[None]

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14. MAXIMUM PENALTIES AND STATUTE OF LIMITATIONS

NOTE: All penalties are defined in the substantive statutes, available in the General Cruelty, Animal Fighting, and Sexual Assault sections of this document.

5 V.I. CODE ANN. § 3541. Time of commencement of criminal action.

(a) A criminal action shall be commenced within the following periods:

- (1) For murder, felony child abuse, felony child neglect, any felony sexual offense perpetrated against a victim, embezzlement of public moneys, and the falsification of public records, there is no limitation of the time within which a prosecution shall be commenced.*
 - (2) For any felony other than specified above, action shall be commenced with three years after its commission.*
 - (3) For any misdemeanor, action shall be commenced within one year after its commission.*
- (b) If the defendant is out of the Virgin Islands when the offense is committed, the information may be filed within the term herein limited after his coming within the Virgin Islands, and no time during which the defendant is not an inhabitant of, or usually resident within, the Virgin Islands is a part of the limitation.*
- (c) Nothing in this section extends to persons fleeing from justice.*

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15. LAW ENFORCEMENT POLICIES

19 V.I.C. § 2602. Definitions

The following terms, wherever used or referred to in this chapter, shall have the following meanings, unless a different meaning clearly appears from the context:

- (1) *'Commissioner'* means the Commissioner of Agriculture for the Virgin Islands or any of his duly authorized representatives.
- (2) *'Owner'* includes any person owning, keeping or harboring any domestic animal, or leasing any domestic animal from another, or any person who allows a domestic animal habitually to remain about the premises inhabited by such person.
- (3) *'Kennel'* means the commercial business of breeding, buying, selling or boarding dogs, on premises used for such business.
- (4) *'Animal shelter'* means any premises designated by the Commissioner of Agriculture or his designated agent for the purpose of impounding and caring for animals.
- (5) *'Animal warden'* refers to any person designated by the Commissioner of Agriculture as an enforcement officer under this chapter.
- (6) *'Humane society'* means a nonprofit corporation organized under the laws of the Virgin Islands as a humane society or a society for the prevention of cruelty to animals.
- (7) *'Baiting'* means to attack with violence, to provoke or harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fight with or among other animals.
- (8) *'Potentially dangerous dog'* means any dog that without provocation:
 - (a) inflicts bites on a human or domestic animal on public or private property; or
 - (b) chases or approaches a person upon public property in an attitude of attack, or has a known propensity or tendency to attack, or otherwise to threaten the safety of humans or domestic animals.
- (9) *'Dangerous dog'* means any dog that according to the records of the animal shelter:
 - (a) has inflicted severe injury without provocation on a human being;
 - (b) has killed, without provocation, a domestic animal in an area other than the owner's property;
 - (c) has been previously found to be potentially dangerous, the owner having received notice of such and the dog again bites, attacks, or endangers the safety of humans or domestic animals; or
 - (d) is owned, harbored, or trained, primarily or in part, for the purpose of dog fighting.
- (10) *'Severe injury'* means any physical injury that results in broken bones and/or disfiguring lacerations which require multiple sutures or cosmetic surgery.
- (11) *'Proper enclosure'* means while on the owner's property, a dangerous dog shall be securely confined indoors, or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such a pen shall have secure sides and a secure top and shall also provide protection from the elements for the dog. Such pen or structure must have minimum dimensions of five (5) feet by ten (10) feet per dog. If no bottom is secured to the sides, the sides must be imbedded into the ground not less than two (2) feet.

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- (12) 'Owner' means any person, firm, corporation, or organization who possesses, harbors, keeps, or has an interest in, or who has control or custody of an animal. If the owner or keeper of a dangerous dog is a minor, the parents or guardians of that minor shall be responsible for compliance with the specifications of this chapter, for the care and housing of the animal and shall also be liable for all injuries and property damage sustained by any person or domestic animal as a result of an attack by the dangerous dog.
- (13) 'Without provocation' or 'unprovoked' means that the person bitten or attacked:
- (a) did not mischievously or carelessly provoke or aggravate the dog;
 - (b) was not committing a willful trespass or other tort upon the premises occupied by the owner of the dog;
 - (c) was not tormenting, abusing, or assaulting the dog;
 - (d) has not in the past been observed or reported to have tormented or abused or assaulted the dog; or
 - (e) was not committing or attempting to commit a crime.
- (14) 'Equipment used for training or handling a fighting dog' means other animals intended to be used as bait, harnesses, treadmills, cages, decoys, pens, houses, feeding apparatuses, training pens, trailers used to transport such dogs and other related devices and equipment.
- (15) 'Equipment used to promote or advertise a dogfight' means any printing presses or similar equipment, any paper, and related items and equipment intended to be used to transport such equipment.
- (16) 'Equipment used to stage a dogfight' means dogfighting arenas, bleachers, spectator stands or other seating, tents, canopies, buildings, fences, cages, speakers, public address systems, portable toilet facilities and any other related equipment.
- (17) 'Fighting dog' means any dog trained, being trained, intended to be used for training, or intended to be used to attack, bite, wound or bait another dog.
- (18) 'Department' means the Department of Agriculture.

19 V.I. CODE ANN. § 2603. Administration of laws relating to control of animals; powers of the Commissioner

Except as otherwise specifically provided by law, all laws relating to the control of animals running at large shall be administered by the Commissioner. *The Commissioner shall have and may exercise all such powers as may be necessary or appropriate to carry out and effectuate the purposes and provisions of this chapter, including the power to*

- (1) *assist and cooperate with humane societies or others engaged or interested in activities for the control and protection of animals;*
- (2) *subject to the availability of funds appropriated for such purpose, and with the approval of the Governor, to enter into contracts with humane societies with respect to the seizure, impoundment, shelter and reclaiming or other disposition of animals running at large.*

19 V.I. CODE ANN. § 2604. Animal wardens

- (a) *In exercise of his powers and duties hereunder, the Commissioner may designate agents or employees*

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of the Department of Agriculture, or agents or employees of a humane society, to act as animal wardens for the purpose of enforcing the provisions of this chapter or of any provision law relating to the prevention or prohibition of cruelty to animals. For the purposes of this chapter, or any other applicable provisions of this code, such animal wardens shall be deemed to be peace officers of the Virgin Islands.

- (b) An animal warden is authorized to interfere to prevent the perpetration of any act of cruelty upon any animal and may use such force as is necessary to prevent the same, and to this end may summon to his aid any bystanders and may make arrests; Provided, That in all cases when acting under the authority of this such subsection, the animal warden must exhibit and expose a suitable badge of such authority, which badge shall be issued by the Commissioner.*

19 V.I. CODE ANN. § 2622. Interference with administration of law

- (a) It shall be unlawful for any person to interfere with any officer or agent in the enforcement of this law.*
(b) It shall be unlawful for any person to take an animal away from such officer or agent having it in his possession or from the premises where it is impounded.
(c) It shall be unlawful for any person to whom a license certificate has been issued to fail or refuse to produce the license certificate for such dog upon demand of any police officer or animal warden.

19 V.I. CODE ANN. § 2623. Penalties

Whoever-

- (a) fails to obtain the proper license tags as provided herein, or*
(b) violates any provision of this chapter or any regulation or order issued under this chapter for which a penalty is not otherwise provided, shall be fined not less than \$10 and not more than \$100.

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16. SEIZURE

14 V.I. CODE ANN. § 184. Animal Neglect in the Second Degree.

- (a) Any person who intentionally, knowingly, recklessly or negligently fails to provide adequate care for an animal in such person's custody and such failure causes the animal needless suffering shall, for every such offense, be guilty of a misdemeanor punishable by a fine of up to \$500 and up to one hundred (100) hours of community service.
- (b) *If any domestic animal is at any time confined and continues to be confined without necessary food and water for more than 24 consecutive hours, it is lawful for any person designated by the Department of Agriculture, or any peace officer from time to time, as may be considered necessary, to enter into and upon any pound or area in which the animal is confined, and supply it with necessary food and water so long as it remains so confined. Such a person is not liable for the entry and may collect the reasonable cost of the food and water from the owner of the animal, and the owner is subject to enforcement of a money judgment for the reasonable cost of such food and water.*

14 V.I. Code Ann. § 187. Seizure.

- (a) *Any employee of the Department of Agriculture appropriately designated by the Commissioner of Agriculture, any peace officer, animal warden or agent of a Humane Society or Animal Shelter designated by the Commissioner of Agriculture pursuant to title 19, section 2604 of the Virgin Island Code, who becomes aware of any animal that the officer, warden or agent determines, in his sole discretion, to be an apparent victim of animal abuse or neglect as defined under this chapter, shall take possession of the animal and shall deliver the animal to a Humane Society, Animal Shelter, Animal Impound or licensed veterinarian to be sheltered, cared for and given medical attention, if necessary. If the animal is taken to a licensed veterinarian, the officer, warden or agent shall notify the appropriate Animal Shelter or Humane Society of that fact. Any employee of the Department of Agriculture appropriately designated by the Commissioner of Agriculture, peace officer, animal warden or agent of a Humane Society or Animal Shelter designated by the Commissioner of Agriculture pursuant to title 19, section 2604 of the Virgin Island Code, acting pursuant to this section may take any action that such officer, warden or agent considers, in his sole discretion, reasonably necessary to seize such animal so endangered and to remove the threat of further harm to the animal, and no such officer, warden, veterinarian or agent, or his employers, or the Government of the Virgin Islands shall be liable for any harm or damages of whatever nature caused by such action or for any other action taken pursuant to this chapter.*
- (b) The veterinarian, animal warden or agent of a Humane Society, Animal Shelter, or animal impound receiving an animal from the Department of Agriculture pursuant to this section may humanely euthanize the animal, if such veterinarian, warden or agent, in his sole discretion, determines that the animal is injured or diseased past recovery, or that the animal's continued existence is inhumane and that euthanizing the animal is necessary to relieve pain or suffering.
- (c) It is the duty of any veterinarian licensed in the Virgin Islands to report to the Police Department, Department of Justice, Department of Agriculture, any peace officer or other appropriate enforcement

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agency, any animal found, reasonably known or believed to be abandoned, neglected or abused as defined in this chapter, and such veterinarian is not subject to any civil or criminal liability for such reporting or for participating in an investigation of animal abuse or neglect, if done in good faith.

- (d) If an animal seized under subsection (a) of this section is not euthanized pursuant to subsection (b), the Animal Shelter, Humane Society or animal impound in possession of the animal, or notified of a veterinarian's possession of the animal, shall make reasonable efforts to notify the owner or custodian of the animal of such seizure pursuant to the terms of paragraphs (1) and (2) of this subsection.
- (1) If the identity and the mailing address of the custodian or owner are known, written notice of seizure shall be given and shall be deposited in the postal service, postage pre-paid and certified.
 - (2) The notice shall include all of the following:
 - (A) The name, business address, and telephone number of the officer providing the notice and the date of the notice.
 - (B) A description of the animal seized, including any identification upon the animal.
 - (C) The authority and purpose for the seizure, or impoundment, including the time, place, and circumstances under which the animal was seized.
 - (D) A statement that, in order to receive a post-seizure hearing, the owner or person authorized to keep the animal, or his agent, shall request the hearing pursuant to the procedures set forth in subsection (e) of this section.
 - (E) A statement that the cost of caring for and treating any animal properly seized under this section is a lien on the animal and that the animal shall not be returned to the owner until the charges are paid, and that failure to request or to attend a scheduled hearing shall result in liability for this cost.
 - (F) Notice is deemed accomplished three days after the mailing of the notice, and in no event may proof of receipt of such notice be required.
 - (G) If the identity of the custodian or owner is known, but the custodian or owner's mailing address is unknown, notice of seizure shall be given either by delivery of written notice to the custodian or owner, in which case, notice shall be deemed accomplished upon delivery or by the procedures set forth in subparagraph (H) of this paragraph.
 - (H) If the identity of the custodian or owner is unknown, notice of seizure shall be given either by posting for written notice thereof at the physical location of such seizure or by publishing written notice thereof in a newspaper of general circulation on the island of seizure, and notice shall be deemed accomplished three days after such posting or publication.
- (e) The owner or custodian of the seized animal must deliver to the Animal Shelter, Humane Society or animal impound written notice of the owner's or custodian's desire to contest the seizure of the animal and to regain custody of the animal within three days after delivery of such notice. To be considered effective, the notice of the owner or custodian of the seized animal must set forth the owner's or custodian's physical address and mailing address. If the owner or custodian of the animal fails to deliver such notice within the specified period, then the owner or custodian shall be deemed to have relinquished all legal and custodial rights to such animal and to have delivered such animal to the ownership and custody of the Department of Agriculture.

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- (f) If the owner or custodian of the animal delivers the notice set forth in subsection (e) within the stated period, the Commissioner of Agriculture, within five days after receipt of such notice shall hold an administrative hearing to make a determination as to whether the animal should have been removed. After a determination that the animal should have been removed, the Commissioner shall file a complaint in the Superior Court setting forth the facts and circumstances relating to the seizure of the animal and such facts as he has been able to determine relating to the animal's care, custody, and condition and requesting that legal and custodial rights to such animal be transferred to the Animal Shelter or Humane Society. A copy of such a complaint shall be served on the owner or custodian of the animal.
- (g) If the owner or custodian of the animal wishes to dispute the allegations of the complaint or the requested relief, he shall file an answer to the complaint within 10 days after service, setting forth his response to the allegations of the complaint. If no such answer is filed within the ten-day time limit, the legal and custodial rights to the animal shall be deemed transferred to the Animal Shelter or Humane Society, and the court shall, on application of the Department of Agriculture and the consent of the Animal Shelter or Humane Society, enter an order to that effect. If an answer is filed, the court shall hold a hearing on the merits of the matter within 30 days thereafter. Neither party shall have the right to trial by jury at such a hearing. ^[L L]_[SEP SEP]
- (h) At the adjudicatory hearing, the Department of Agriculture shall bear the burden of proving by preponderance of evidence that the seized animal was neglected or abused as defined in this chapter, and that the owner or custodian was either responsible for or had or should have had knowledge of the abuse or neglect. If the court so finds, the court shall enter an order transferring legal and custodial rights to the animal to the Department of Agriculture and shall enter judgment against the owner or custodian for an amount pursuant to subsection (i) of this section.
- (i) The owner or custodian of such animal shall be liable to the Department of Agriculture, Humane Society, Animal Shelter, or licensed veterinarian for the payment of such care keeping and medical attention provided to the animal from the date of its delivery to the date of its release.

19 V.I. CODE ANN. § 2613a. Promoting, staging, advertising or witnessing dogfights; confiscation of equipment; possession of dog.

- (a) Whoever:
- (1) willfully, or for any bet, stake, or reward, instigates or encourages any dog to attack, bite, wound or bait another dog, except in the course of protection of life or property;
 - (2) keeps any house, pit or other place, or provides any equipment or facilities to be used in permitting any fight between dogs;
 - (3) does any act or performs any service in the furtherance of, or to facilitate, any dogfight including promotion, refereeing, handling of dogs at a dogfight, transporting spectators to or from a dogfight, providing concessions at a dogfight, advertising a dogfight, or serving as a stake-holder of any money wagered on any dogfight; or
 - (4) owns, possesses, keeps, or trains any dog with the intent that such dog will be engaged in an exhibition of fighting with another dog shall be guilty of a felony punishable by imprisonment for not more than two (2) years and fined not less than two thousand dollars (\$ 2,000) nor

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more than four thousand dollars (\$ 4,000). However, any person who is knowingly present as a spectator at any place, building, or other site where preparations are being made for an exhibition of dogfighting with the intent to be present at such preparation or fight, or who is knowingly present at such exhibition shall be guilty of a felony punishable by imprisonment for not more than eighteen (18) months and fined not more than one thousand dollars (\$ 1,000) for a first offense and imprisonment for not more than five (5) years, and fined not more than five thousand dollars (\$ 5,000) for any second or subsequent offense.

- (b) Any peace officer who arrests a person under subsection (a) of this section may lawfully take possession of all equipment used for training, handling, or transporting a fighting dog and all equipment used to stage, promote or advertise a dogfight. Following a conviction under this section, the court entering the judgment shall order that any and all such equipment used in violation of this section be destroyed or forfeited to the Government of the United States Virgin Islands.
- (c) *Any peace officer making an arrest under this section shall lawfully take possession of any dog on the premises where the dogfight is alleged to have been staged or occurred and any dog kept on the premises of any person arrested under this section.*
- (1) *When a peace officer takes possession of a dog under this subsection, the dog will be placed in the care of a humane society, animal shelter, court-approved licensed veterinarian, or a court-approved private housing facility under the supervision of a veterinarian, employee of the animal shelter, or officer of the humane society for boarding, treatment, or other care.*
 - (2) *The veterinarian, animal warden, or officer may humanely euthanize the dog that is in his opinion injured or diseased past recovery, or whose continued existence is inhumane and whose destruction is necessary to relieve pain or suffering. The owner of a dog destroyed under this subsection shall not be entitled to damages.*
 - (3) *If the veterinarian determines by means of physical examination or observation that the dog should be humanely euthanized due to lack of any useful purpose because of training or viciousness, a written request to destroy the dog shall be submitted to the court for approval. The court shall give notice to the dog's owner who shall have five (5) days in which to submit a written response. After five (5) days, upon a finding by the court that the dog lacks any useful purpose due to training or viciousness, it shall be within the authority of the veterinarian, animal warden, or officer of the humane society to humanely euthanize the dog when it is no longer needed as evidence.*
 - (4) *If the veterinarian determines by means of physical examination and observation that the dog has not been trained for aggressive conduct or if the court finds that the dog should not be humanely euthanized for reasons of training or viciousness, the dog shall be returned to its owner when the dog is no longer needed as evidence. The dog, however, may be subject to dangerous dog designation as provided under section 2615c of this chapter.*
 - (5) All expenses incurred for treatment, boarding and other care of the dog, prior to the conviction of the owner, shall be assessed against the owner.

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17. COURTROOM ANIMAL ADVOCATE PROGRAM

[None]

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18. RESTITUTION

14 V.I. CODE ANN. § 184. Animal Neglect in the Second Degree.

- (a) Any person who intentionally, knowingly, recklessly or negligently fails to provide adequate care for an animal in such person's custody and such failure causes the animal needless suffering shall, for every such offense, be guilty of a misdemeanor punishable by a fine of up to \$500 and up to one hundred (100) hours of community service.
- (b) If any domestic animal is at any time confined and continues to be confined without necessary food and water for more than 24 consecutive hours, it is lawful for any person designated by the Department of Agriculture, or any peace officer from time to time, as may be considered necessary, to enter into and upon any pound or area in which the animal is confined, and supply it with necessary food and water so long as it remains so confined. *Such a person is not liable for the entry and may collect the reasonable cost of the food and water from the owner of the animal, and the owner is subject to enforcement of a money judgment for the reasonable cost of such food and water.*

14 V.I. CODE ANN. § 186. Animal Abuse Fund.

- (a) There is established a special fund in the Treasury of the Virgin Islands known as the Animal Abuse Fund, referred to as the 'Fund'. The Commissioner of Finance shall provide for the administration of the Fund as a separate fund in the Treasury of the Virgin Islands.
- (b) *The Fund consists of all sums appropriated thereto from time to time by the Legislature of the Virgin Islands, all fines collected under sections 181, 182, 183 and 184 of this chapter, and such other monies, grants, contributions, gifts and bequests, federal or local, as may be made thereto that the Commissioner of Finance is hereby authorized to accept and deposit therein.*
- (c) There is appropriated from the General Fund in each fiscal year, a sum of not less than \$100,000 to be deposited into the Fund for the purpose of implementing the provisions of this chapter.
- (d) *Monies in the Fund must be used solely for the purposes stated in this subsection and for no other purpose. The Commissioner of Finance shall disburse monies from the Fund solely for non-reimbursed expenses incurred by a Humane Society, Animal Shelter, licensed veterinarian, or animal impound pursuant to this chapter, and expenses for cruelty prevention or education programs.*
- (e) The Commissioner of Finance shall maintain a record of all monies deposited into and disbursed from the Fund and shall annually report to the Governor and the Legislature on the status of the Fund.

14 V.I. Code Ann. § 187. Seizure.

- (a) Any employee of the Department of Agriculture appropriately designated by the Commissioner of Agriculture, any peace officer, animal warden or agent of a Humane Society or Animal Shelter designated by the Commissioner of Agriculture pursuant to title 19, section 2604 of the Virgin Island Code, who becomes aware of any animal that the officer, warden or agent determines, in his sole

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discretion, to be an apparent victim of animal abuse or neglect as defined under this chapter, shall take possession of the animal and shall deliver the animal to a Humane Society, Animal Shelter, Animal Impound or licensed veterinarian to be sheltered, cared for and given medical attention, if necessary. If the animal is taken to a licensed veterinarian, the officer, warden or agent shall notify the appropriate Animal Shelter or Humane Society of that fact. Any employee of the Department of Agriculture appropriately designated by the Commissioner of Agriculture, peace officer, animal warden or agent of a Humane Society or Animal Shelter designated by the Commissioner of Agriculture pursuant to title 19, section 2604 of the Virgin Island Code, acting pursuant to this section may take any action that such officer, warden or agent considers, in his sole discretion, reasonably necessary to seize such animal so endangered and to remove the threat of further harm to the animal, and no such officer, warden, veterinarian or agent, or his employers, or the Government of the Virgin Islands shall be liable for any harm or damages of whatever nature caused by such action or for any other action taken pursuant to this chapter.

- (b) The veterinarian, animal warden or agent of a Humane Society, Animal Shelter, or animal impound receiving an animal from the Department of Agriculture pursuant to this section may humanely euthanize the animal, if such veterinarian, warden or agent, in his sole discretion, determines that the animal is injured or diseased past recovery, or that the animal's continued existence is inhumane and that euthanizing the animal is necessary to relieve pain or suffering.
- (c) It is the duty of any veterinarian licensed in the Virgin Islands to report to the Police Department, Department of Justice, Department of Agriculture, any peace officer or other appropriate enforcement agency, any animal found, reasonably known or believed to be abandoned, neglected or abused as defined in this chapter, and such veterinarian is not subject to any civil or criminal liability for such reporting or for participating in an investigation of animal abuse or neglect, if done in good faith.
- (d) If an animal seized under subsection (a) of this section is not euthanized pursuant to subsection (b), the Animal Shelter, Humane Society or animal impound in possession of the animal, or notified of a veterinarian's possession of the animal, shall make reasonable efforts to notify the owner or custodian of the animal of such seizure pursuant to the terms of paragraphs (1) and (2) of this subsection.
 - (1) If the identity and the mailing address of the custodian or owner are known, written notice of seizure shall be given and shall be deposited in the postal service, postage pre-paid and certified.
 - (2) The notice shall include all of the following:
 - (A) The name, business address, and telephone number of the officer providing the notice and the date of the notice.
 - (B) A description of the animal seized, including any identification upon the animal.
 - (C) The authority and purpose for the seizure, or impoundment, including the time, place, and circumstances under which the animal was seized.
 - (D) A statement that, in order to receive a post-seizure hearing, the owner or person authorized to keep the animal, or his agent, shall request the hearing pursuant to the procedures set forth in subsection (e) of this section.
 - (E) *A statement that the cost of caring for and treating any animal properly seized under this section is a lien on the animal and that the animal shall not be returned to the owner until the charges are paid, and that failure to request or to attend a scheduled hearing shall result in liability for this cost.*

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- (F) Notice is deemed accomplished three days after the mailing of the notice, and in no event may proof of receipt of such notice be required.
 - (G) If the identity of the custodian or owner is known, but the custodian or owner's mailing address is unknown, notice of seizure shall be given either by delivery of written notice to the custodian or owner, in which case, notice shall be deemed accomplished upon delivery or by the procedures set forth in subparagraph (H) of this paragraph.
 - (H) If the identity of the custodian or owner is unknown, notice of seizure shall be given either by posting for written notice thereof at the physical location of such seizure or by publishing written notice thereof in a newspaper of general circulation on the island of seizure, and notice shall be deemed accomplished three days after such posting or publication.
- (e) The owner or custodian of the seized animal must deliver to the Animal Shelter, Humane Society or animal impound written notice of the owner's or custodian's desire to contest the seizure of the animal and to regain custody of the animal within three days after delivery of such notice. To be considered effective, the notice of the owner or custodian of the seized animal must set forth the owner's or custodian's physical address and mailing address. If the owner or custodian of the animal fails to deliver such notice within the specified period, then the owner or custodian shall be deemed to have relinquished all legal and custodial rights to such animal and to have delivered such animal to the ownership and custody of the Department of Agriculture.
- (f) If the owner or custodian of the animal delivers the notice set forth in subsection (e) within the stated period, the Commissioner of Agriculture, within five days after receipt of such notice shall hold an administrative hearing to make a determination as to whether the animal should have been removed. After a determination that the animal should have been removed, the Commissioner shall file a complaint in the Superior Court setting forth the facts and circumstances relating to the seizure of the animal and such facts as he has been able to determine relating to the animal's care, custody, and condition and requesting that legal and custodial rights to such animal be transferred to the Animal Shelter or Humane Society. A copy of such a complaint shall be served on the owner or custodian of the animal.
- (g) If the owner or custodian of the animal wishes to dispute the allegations of the complaint or the requested relief, he shall file an answer to the complaint within 10 days after service, setting forth his response to the allegations of the complaint. If no such answer is filed within the ten-day time limit, the legal and custodial rights to the animal shall be deemed transferred to the Animal Shelter or Humane Society, and the court shall, on application of the Department of Agriculture and the consent of the Animal Shelter or Humane Society, enter an order to that effect. If an answer is filed, the court shall hold a hearing on the merits of the matter within 30 days thereafter. Neither party shall have the right to trial by jury at such a hearing.
- (h) At the adjudicatory hearing, the Department of Agriculture shall bear the burden of proving by preponderance of evidence that the seized animal was neglected or abused as defined in this chapter, and that the owner or custodian was either responsible for or had or should have had knowledge of the abuse or neglect. *If the court so finds, the court shall enter an order transferring legal and custodial rights to the animal to the Department of Agriculture and shall enter judgment against the owner or custodian for an amount pursuant to subsection (i) of this section.*

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- (i) *The owner or custodian of such animal shall be liable to the Department of Agriculture, Humane Society, Animal Shelter, or licensed veterinarian for the payment of such care keeping and medical attention provided to the animal from the date of its delivery to the date of its release.*

14 V.I. Code Ann. § 194. Dogs or horses used by peace officers; willful or malicious harm or interference; penalty; restitution [Renumbered]

- (a) Any person who willfully and maliciously and with no legal justification strikes, beats, kicks, stabs, shoots with a firearm, administers any poison or other harmful or stupefying substance to, or throws, hurls, or projects at, or places any rock, object, or other substance which is used in such a manner as to be capable of producing injury and is likely to produce injury, on or in the path of, any dog, under the supervision of, or any horse being used by, any peace officer in the discharge or attempted discharge of his duties, is guilty of a felony and shall be subject to a fine of not more than \$2000 or imprisonment for not more than 2 years, or both.
- (b) Any person who willfully and maliciously and with no legal justification interferes with or obstructs any dog or horse being used by a peace officer in the discharge or attempted discharge of his duties by frightening, teasing, agitating, harassing, or hindering the dog or horse shall be guilty of a misdemeanor and shall be subject to a fine of not more than \$1000 or imprisonment for not more than 1 year, or both.
- (c) Any person who, in violation of this section, and with intent to inflict such injury or death, causes the death, destruction, or serious physical injury, including but not limited to, bone fracture, loss or impairment of function of any bodily member, wounds requiring extensive suturing, or crippling, of any dog or horse, shall upon conviction of a felony under subsection (a) of this section be subject to a term of imprisonment of one (1) year in addition and consecutive to the punishment prescribed for such felony.
- (d) *In any case in which a defendant is convicted of a violation of this section, the defendant shall be ordered to make restitution to the agency, department, independent instrumentality or subdivision of the Government of the Virgin Islands owning the animal or employing the peace officer for any veterinary bills, replacement costs of the animal if it is disabled or killed, and the salary of the peace officer for the period of time his services are lost to the Government.*

19 V.I. CODE ANN. § 2613a. Promoting, staging, advertising or witnessing dogfights; confiscation of equipment; possession of dog.

- (a) Whoever:
- (1) willfully, or for any bet, stake, or reward, instigates or encourages any dog to attack, bite, wound or bait another dog, except in the course of protection of life or property;
 - (2) keeps any house, pit or other place, or provides any equipment or facilities to be used in permitting any fight between dogs;
 - (3) does any act or performs any service in the furtherance of, or to facilitate, any dogfight including promotion, refereeing, handling of dogs at a dogfight, transporting spectators to or

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from a dogfight, providing concessions at a dogfight, advertising a dogfight, or serving as a stake-holder of any money wagered on any dogfight; or

- (4) owns, possesses, keeps, or trains any dog with the intent that such dog will be engaged in an exhibition of fighting with another dog shall be guilty of a felony punishable by imprisonment for not more than two (2) years and fined not less than two thousand dollars (\$ 2,000) nor more than four thousand dollars (\$ 4,000). However, any person who is knowingly present as a spectator at any place, building, or other site where preparations are being made for an exhibition of dogfighting with the intent to be present at such preparation or fight, or who is knowingly present at such exhibition shall be guilty of a felony punishable by imprisonment for not more than eighteen (18) months and fined not more than one thousand dollars (\$ 1,000) for a first offense and imprisonment for not more than five (5) years, and fined not more than five thousand dollars (\$ 5,000) for any second or subsequent offense.
- (b) Any peace officer who arrests a person under subsection (a) of this section may lawfully take possession of all equipment used for training, handling, or transporting a fighting dog and all equipment used to stage, promote or advertise a dogfight. Following a conviction under this section, the court entering the judgment shall order that any and all such equipment used in violation of this section be destroyed or forfeited to the Government of the United States Virgin Islands.
- (c) Any peace officer making an arrest under this section shall lawfully take possession of any dog on the premises where the dogfight is alleged to have been staged or occurred and any dog kept on the premises of any person arrested under this section.
 - (1) When a peace officer takes possession of a dog under this subsection, the dog will be placed in the care of a humane society, animal shelter, court-approved licensed veterinarian, or a court-approved private housing facility under the supervision of a veterinarian, employee of the animal shelter, or officer of the humane society for boarding, treatment, or other care.
 - (2) The veterinarian, animal warden, or officer may humanely euthanize the dog that is in his opinion injured or diseased past recovery, or whose continued existence is inhumane and whose destruction is necessary to relieve pain or suffering. The owner of a dog destroyed under this subsection shall not be entitled to damages.
 - (3) If the veterinarian determines by means of physical examination or observation that the dog should be humanely euthanized due to lack of any useful purpose because of training or viciousness, a written request to destroy the dog shall be submitted to the court for approval. The court shall give notice to the dog's owner who shall have five (5) days in which to submit a written response. After five (5) days, upon a finding by the court that the dog lacks any useful purpose due to training or viciousness, it shall be within the authority of the veterinarian, animal warden, or officer of the humane society to humanely euthanize the dog when it is no longer needed as evidence.
 - (4) If the veterinarian determines by means of physical examination and observation that the dog has not been trained for aggressive conduct or if the court finds that the dog should not be humanely euthanized for reasons of training or viciousness, the dog shall be returned to its owner when the dog is no longer needed as evidence. The dog, however, may be subject to dangerous dog designation as provided under section 2615c of this chapter.
 - (5) *All expenses incurred for treatment, boarding and other care of the dog, prior to the conviction of the owner, shall be assessed against the owner.*

ANIMAL PROTECTION LAWS OF U.S. VIRGIN ISLANDS**19. FORFEITURE AND POSSESSION BANS****14 V.I. CODE ANN. § 185. Future Animal Custody and Counseling.**

(a) *If a person is convicted of any offense defined in sections 181, 182, 183 and 184 of this chapter, the court shall, in addition to any other sentence or penalty imposed, enter an order enjoining the person from acting as a custodian of any animal for a period of not less than five years from the date of sentence, or from the person's release from custody, if a term of custody is imposed, or for a greater period, up to twenty years, in the discretion of the court. To the extent that the duration of an order coincides with the term of, probation imposed, as a result of such conviction, a violation of an order shall be treated as a violation of probation, and punished as such; otherwise, any violation of an order shall be treated as criminal contempt of court and punished as such.*

(b)

- (1) If a defendant is granted probation for a conviction under this section, the court shall order the defendant to pay for, and successfully complete, counseling as determined by the court, designed to evaluate and treat behavior or conduct disorders. If the court finds that the defendant is financially unable to pay for the counseling, the court may develop a sliding fee schedule based on the defendant's ability to pay. An indigent defendant may negotiate a deferred payment schedule, but shall pay a nominal fee, if the defendant has the ability to pay the nominal fee.
- (2) The counseling specified in paragraph (1) of this subsection shall be in addition to any other terms and conditions of probation, including any term of imprisonment and any fine.

14 V.I. CODE ANN. § 187. Seizure.

(a) Any employee of the Department of Agriculture appropriately designated by the Commissioner of Agriculture, any peace officer, animal warden or agent of a Humane Society or Animal Shelter designated by the Commissioner of Agriculture pursuant to title 19, section 2604 of the Virgin Island Code, who becomes aware of any animal that the officer, warden or agent determines, in his sole discretion, to be an apparent victim of animal abuse or neglect as defined under this chapter, shall take possession of the animal and shall deliver the animal to a Humane Society, Animal Shelter, Animal Impound or licensed veterinarian to be sheltered, cared for and given medical attention, if necessary. If the animal is taken to a licensed veterinarian, the officer, warden or agent shall notify the appropriate Animal Shelter or Humane Society of that fact. Any employee of the Department of Agriculture appropriately designated by the Commissioner of Agriculture, peace officer, animal warden or agent of a Humane Society or Animal Shelter designated by the Commissioner of Agriculture pursuant to title 19, section 2604 of the Virgin Island Code, acting pursuant to this section may take any action that such officer, warden or agent considers, in his sole discretion, reasonably necessary to seize such animal so endangered and to remove the threat of further harm to the animal, and no such officer, warden, veterinarian or agent, or his employers, or the Government of the Virgin Islands shall be liable for any harm or damages of whatever nature caused by such action or for any other action taken pursuant to

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this chapter.

- (b) The veterinarian, animal warden or agent of a Humane Society, Animal Shelter, or animal impound receiving an animal from the Department of Agriculture pursuant to this section may humanely euthanize the animal, if such veterinarian, warden or agent, in his sole discretion, determines that the animal is injured or diseased past recovery, or that the animal's continued existence is inhumane and that euthanizing the animal is necessary to relieve pain or suffering.
- (c) It is the duty of any veterinarian licensed in the Virgin Islands to report to the Police Department, Department of Justice, Department of Agriculture, any peace officer or other appropriate enforcement agency, any animal found, reasonably known or believed to be abandoned, neglected or abused as defined in this chapter, and such veterinarian is not subject to any civil or criminal liability for such reporting or for participating in an investigation of animal abuse or neglect, if done in good faith.
- (d) If an animal seized under subsection (a) of this section is not euthanized pursuant to subsection (b), the Animal Shelter, Humane Society or animal impound in possession of the animal, or notified of a veterinarian's possession of the animal, shall make reasonable efforts to notify the owner or custodian of the animal of such seizure pursuant to the terms of paragraphs (1) and (2) of this subsection.
 - (1) If the identity and the mailing address of the custodian or owner are known, written notice of seizure shall be given and shall be deposited in the postal service, postage pre-paid and certified.
 - (2) The notice shall include all of the following:
 - (A) The name, business address, and telephone number of the officer providing the notice and the date of the notice.
 - (B) A description of the animal seized, including any identification upon the animal.
 - (C) The authority and purpose for the seizure, or impoundment, including the time, place, and circumstances under which the animal was seized.
 - (D) A statement that, in order to receive a post-seizure hearing, the owner or person authorized to keep the animal, or his agent, shall request the hearing pursuant to the procedures set forth in subsection (e) of this section.
 - (E) A statement that the cost of caring for and treating any animal properly seized under this section is a lien on the animal and that the animal shall not be returned to the owner until the charges are paid, and that failure to request or to attend a scheduled hearing shall result in liability for this cost.
 - (F) Notice is deemed accomplished three days after the mailing of the notice, and in no event may proof of receipt of such notice be required.
 - (G) If the identity of the custodian or owner is known, but the custodian or owner's mailing address is unknown, notice of seizure shall be given either by delivery of written notice to the custodian or owner, in which case, notice shall be deemed accomplished upon delivery or by the procedures set forth in subparagraph (H) of this paragraph.
 - (H) If the identity of the custodian or owner is unknown, notice of seizure shall be given either by posting for written notice thereof at the physical location of such seizure or by publishing written notice thereof in a newspaper of general circulation on the island of seizure, and notice shall be deemed accomplished three days after such posting or publication.

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- (e) *The owner or custodian of the seized animal must deliver to the Animal Shelter, Humane Society or animal impound written notice of the owner's or custodian's desire to contest the seizure of the animal and to regain custody of the animal within three days after delivery of such notice. To be considered effective, the notice of the owner or custodian of the seized animal must set forth the owner's or custodian's physical address and mailing address. If the owner or custodian of the animal fails to deliver such notice within the specified period, then the owner or custodian shall be deemed to have relinquished all legal and custodial rights to such animal and to have delivered such animal to the ownership and custody of the Department of Agriculture.*
- (f) If the owner or custodian of the animal delivers the notice set forth in subsection (e) within the stated period, the Commissioner of Agriculture, within five days after receipt of such notice shall hold an administrative hearing to make a determination as to whether the animal should have been removed. After a determination that the animal should have been removed, the Commissioner shall file a complaint in the Superior Court setting forth the facts and circumstances relating to the seizure of the animal and such facts as he has been able to determine relating to the animal's care, custody, and condition and requesting that legal and custodial rights to such animal be transferred to the Animal Shelter or Humane Society. A copy of such a complaint shall be served on the owner or custodian of the animal.
- (g) If the owner or custodian of the animal wishes to dispute the allegations of the complaint or the requested relief, he shall file an answer to the complaint within 10 days after service, setting forth his response to the allegations of the complaint. If no such answer is filed within the ten-day time limit, the legal and custodial rights to the animal shall be deemed transferred to the Animal Shelter or Humane Society, and the court shall, on application of the Department of Agriculture and the consent of the Animal Shelter or Humane Society, enter an order to that effect. If an answer is filed, the court shall hold a hearing on the merits of the matter within 30 days thereafter. Neither party shall have the right to trial by jury at such a hearing.
- (h) *At the adjudicatory hearing, the Department of Agriculture shall bear the burden of proving by preponderance of evidence that the seized animal was neglected or abused as defined in this chapter, and that the owner or custodian was either responsible for or had or should have had knowledge of the abuse or neglect. If the court so finds, the court shall enter an order transferring legal and custodial rights to the animal to the Department of Agriculture and shall enter judgment against the owner or custodian for an amount pursuant to subsection (i) of this section.*
- (i) The owner or custodian of such animal shall be liable to the Department of Agriculture, Humane Society, Animal Shelter, or licensed veterinarian for the payment of such care keeping and medical attention provided to the animal from the date of its delivery to the date of its release.

19 V.I. CODE ANN. § 2613a. Promoting, staging, advertising or witnessing dogfights; confiscation of equipment; possession of dog.

- (a) Whoever:
- (1) willfully, or for any bet, stake, or reward, instigates or encourages any dog to attack, bite, wound or bait another dog, except in the course of protection of life or property;
 - (2) keeps any house, pit or other place, or provides any equipment or facilities to be used in

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permitting any fight between dogs;

- (3) does any act or performs any service in the furtherance of, or to facilitate, any dogfight including promotion, refereeing, handling of dogs at a dogfight, transporting spectators to or from a dogfight, providing concessions at a dogfight, advertising a dogfight, or serving as a stake-holder of any money wagered on any dogfight; or
 - (4) owns, possesses, keeps, or trains any dog with the intent that such dog will be engaged in an exhibition of fighting with another dog shall be guilty of a felony punishable by imprisonment for not more than two (2) years and fined not less than two thousand dollars (\$ 2,000) nor more than four thousand dollars (\$ 4,000). However, any person who is knowingly present as a spectator at any place, building, or other site where preparations are being made for an exhibition of dogfighting with the intent to be present at such preparation or fight, or who is knowingly present at such exhibition shall be guilty of a felony punishable by imprisonment for not more than eighteen (18) months and fined not more than one thousand dollars (\$ 1,000) for a first offense and imprisonment for not more than five (5) years, and fined not more than five thousand dollars (\$ 5,000) for any second or subsequent offense.
- (b) Any peace officer who arrests a person under subsection (a) of this section may lawfully take possession of all equipment used for training, handling, or transporting a fighting dog and all equipment used to stage, promote or advertise a dogfight. Following a conviction under this section, the court entering the judgment shall order that any and all such equipment used in violation of this section be destroyed or forfeited to the Government of the United States Virgin Islands.
- (c) Any peace officer making an arrest under this section shall lawfully take possession of any dog on the premises where the dogfight is alleged to have been staged or occurred and any dog kept on the premises of any person arrested under this section.
- (1) When a peace officer takes possession of a dog under this subsection, the dog will be placed in the care of a humane society, animal shelter, court-approved licensed veterinarian, or a court-approved private housing facility under the supervision of a veterinarian, employee of the animal shelter, or officer of the humane society for boarding, treatment, or other care.
 - (2) *The veterinarian, animal warden, or officer may humanely euthanize the dog that is in his opinion injured or diseased past recovery, or whose continued existence is inhumane and whose destruction is necessary to relieve pain or suffering. The owner of a dog destroyed under this subsection shall not be entitled to damages.*
 - (3) *If the veterinarian determines by means of physical examination or observation that the dog should be humanely euthanized due to lack of any useful purpose because of training or viciousness, a written request to destroy the dog shall be submitted to the court for approval. The court shall give notice to the dog's owner who shall have five (5) days in which to submit a written response. After five (5) days, upon a finding by the court that the dog lacks any useful purpose due to training or viciousness, it shall be within the authority of the veterinarian, animal warden, or officer of the humane society to humanely euthanize the dog when it is no longer needed as evidence.*
 - (4) *If the veterinarian determines by means of physical examination and observation that the dog has not been trained for aggressive conduct or if the court finds that the dog should not be humanely euthanized for reasons of training or viciousness, the dog shall be returned to its owner when the dog is no longer needed as evidence. The dog, however, may be subject to*

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dangerous dog designation as provided under section 2615c of this chapter.

- (5) All expenses incurred for treatment, boarding and other care of the dog, prior to the conviction of the owner, shall be assessed against the owner.

19 V.I. CODE ANN. § 2619. Destruction of injured, disabled or diseased animals.

The Commissioner or his designated agent may cause to be destroyed any animal when, in his judgment, such animal appears to be so injured, disabled or diseased as to be past recovery or unfit for any useful purpose.

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20. REHABILITATIVE SENTENCING

14 V.I. CODE ANN. § 185. Future Animal Custody and Counseling.

- (a) If a person is convicted of any offense defined in sections 181, 182, 183 and 184 of this chapter, the court shall, in addition to any other sentence or penalty imposed, enter an order enjoining the person from acting as a custodian of any animal for a period of not less than five years from the date of sentence, or from the person's release from custody, if a term of custody is imposed, or for a greater period, up to twenty years, in the discretion of the court. To the extent that the duration of an order coincides with the term of, probation imposed, as a result of such conviction, a violation of an order shall be treated as a violation of probation, and punished as such; otherwise, any violation of an order shall be treated as criminal contempt of court and punished as such.
- (b)
- (1) *If a defendant is granted probation for a conviction under this section, the court shall order the defendant to pay for, and successfully complete, counseling as determined by the court, designed to evaluate and treat behavior or conduct disorders. If the court finds that the defendant is financially unable to pay for the counseling, the court may develop a sliding fee schedule based on the defendant's ability to pay. An indigent defendant may negotiate a deferred payment schedule, but shall pay a nominal fee, if the defendant has the ability to pay the nominal fee.*
 - (2) *The counseling specified in paragraph (1) of this subsection shall be in addition to any other terms and conditions of probation, including any term of imprisonment and any fine.*