

ANIMAL PROTECTION LAWS OF THE VIRGIN ISLANDS

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14. REFERENCED STATUTES

This chapter contains the Virgin Islands' general animal protection and related statutes with an effective date on or before September 1, 2016. It begins with an overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories. Within the first thirteen of these categories, the relevant part of each statute is italicized. Category 14 provides a non-italicized version of each of the previously referenced statutes, in numerical order. The penalties and related provisions for categories 12 and 13 are generally located within each of those respective sections.

The 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.

VIRGIN ISLANDS

1. GENERAL PROHIBITIONS *	(1) Animal abuse in the first degree 14 V.I. CODE ANN. § 181 (2) Animal abuse in the second degree 14 V.I. CODE ANN. § 182 (3) Animal neglect in the first degree 14 V.I. CODE ANN. § 183 (4) Animal neglect in the second degree 14 V.I. CODE ANN. § 184
<i>Animals Covered in Definition</i>	“[A]ny non-human mammal, bird, reptile or amphibian but does not include any pest that might be exterminated” 14 V.I. CODE ANN. § 180(c)
<i>Classification of Crimes</i>	(1) Felony (2), (3), (4) Misdemeanor

VIRGIN ISLANDS *continued*

<p>2. MAXIMUM PENALTIES **</p>	<p>(1) 2 years imprisonment <i>and</i> \$5,000 fine 14 V.I. CODE ANN. § 181(f)</p> <p>(2) 1 year imprisonment <i>or</i> \$500 fine 14 V.I. CODE ANN. § 182(d)</p> <p>(3) \$3,000 fine <i>and</i> 500 hours community service 14 V.I. CODE ANN. § 183(f)</p> <p>(4) \$500 fine <i>and</i> 100 hours of community service 14 V.I. CODE ANN. § 184(a)</p>
<p>3. EXEMPTIONS ***</p>	<p>6 14 V.I. CODE ANN. § 180(c)</p> <p>1, 9 14 V.I. CODE ANN. § 181</p> <p>9 14 V.I. CODE ANN. § 183</p>
<p>4. COUNSELING / EVALUATIONS †</p>	<p>The court shall order counseling as a condition of probation. 14 V.I. CODE ANN. § 185(b)(1)</p>
<p>5. PROTECTIVE ORDERS †</p>	<p>-----</p>

VIRGIN ISLANDS *continued*

<p>6. RESTITUTION / REIMBURSEMENT OF COSTS / BONDING & LIENS †</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>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>7. SEIZURE / ON-SITE SUPERVISION</p>	<p>Any person 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>8. FORFEITURE / POSSESSION †</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>

VIRGIN ISLANDS *continued*

9. CROSS ENFORCEMENT / REPORTING	-----
10. VETERINARIAN REPORTING / IMMUNITY	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)
11. LAW ENFORCEMENT POLICIES	-----
12. SEXUAL ASSAULT	Bestiality is punishable by imprisonment for up to 5 years. 14 V.I. CODE ANN. § 2062
13. FIGHTING	Various dogfighting activities, including spectatorship, are felonies. 19 V.I. CODE ANN. § 2613a
<i>Other Felony Provisions Affecting Animals</i> ‡	-----

* Jurisdictions may have other more specific statutes in addition to the general animal protection statutes referenced in this table.
 ** Despite statutory maximums, states and territories may employ sentencing guidelines that may significantly alter the allowable sentence.
 *** Exemptions: 1-veterinary practice, 2-research animals, 3-wildlife, 4-traditional farm animal husbandry practices, 5-slaughter, 6-pest control, 7-rodeo, 8-zoos/circuses, 9-other.
 † This table generally references only those provisions that are within each jurisdiction's animal protection statutes. Jurisdictions may employ similar provisions within other non-animal-specific criminal and civil statutes, and may also have a variety of animal-related regulations in effect.
 ‡ This list is not exhaustive; states and territories may authorize felony penalties for other crimes involving animals not included in this table.

1. GENERAL PROHIBITIONS

14 V.I. CODE ANN. § 180 (2016). 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.

14 V.I. CODE ANN. § 181 (2016). 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 (2016). 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 (2016). 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

(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 (2016). 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.

2. PENALTIES

14 V.I. CODE ANN. § 181 (2016). 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 (2016). 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 (2016). 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
- (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 (2016). 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.

3. EXEMPTIONS

14 V.I. CODE ANN. § 180 (2016). 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.

14 V.I. CODE ANN. § 181 (2016). 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. § 183 (2016). 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
- (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.

4. COUNSELING / EVALUATIONS

14 V.I. CODE ANN. § 185 (2016). 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.

5. PROTECTIVE ORDERS

6. RESTITUTION / REIMBURSEMENT OF COSTS / BONDING & LIENS

14 V.I. CODE ANN. § 184 (2016). 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 (2016). 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.

(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 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.

7. SEIZURE / ON-SITE SUPERVISION

14 V.I. CODE ANN. § 184 (2016). 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 (2016). 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.

(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 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.

8. FORFEITURE / POSSESSION

14 V.I. CODE ANN. § 185 (2016). 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 (2016). 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.

(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 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.

9. CROSS ENFORCEMENT / REPORTING

10. VETERINARIAN REPORTING / IMMUNITY

14 V.I. CODE ANN. § 187 (2016). 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.

(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 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.

11. LAW ENFORCEMENT POLICIES

12. SEXUAL ASSAULT

14 V.I. CODE ANN. § 2062 (2016). Bestiality.

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

13. FIGHTING

19 V.I. CODE ANN. § 2613a (2016). 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 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.

14. REFERENCED STATUTES

14 V.I. CODE ANN. § 180 (2016). 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.

14 V.I. CODE ANN. § 181 (2016). 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 (2016). 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 (2016). 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
- (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 (2016). 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. § 185 (2016). 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 (2016). 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.

(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 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.

14 V.I. CODE ANN. § 2062 (2016). Bestiality.

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

19 V.I. CODE ANN. § 2613a (2016). 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 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.