

## EFFECTIVE DATE OF 1968 AMENDMENT

Amendment of provisions of section necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments of provisions of section, unless otherwise expressly provided by Pub. L. 90-496, effective Jan. 4, 1971, see section 16 of Pub. L. 90-496, set out as a note under section 1591 of this title.

## EFFECTIVE DATE

Act July 22, 1954, ch. 558, §34, 68 Stat. 510, provided that: "This Act [see Short Title note below] shall take effect upon its approval [July 22, 1954], but until its provisions shall severally become operative as herein provided, the corresponding legislative, executive, and judicial functions of the existing government shall continue to be exercised as now provided by law or ordinance, and the incumbents of all offices under the government of the Virgin Islands shall continue in office until their successors are appointed and have qualified unless sooner removed by competent authority. The enactment of this Act shall not affect the term of office of the judge of the District Court of the Virgin Islands in office on the date of its enactment [July 22, 1954]."

## SHORT TITLE OF 1968 AMENDMENT

Pub. L. 90-496, §17, Aug. 23, 1968, 82 Stat. 842, provided that: "This Act [enacting section 336 of Title 10, Armed Forces, amending this section and sections 1561, 1572, 1573, 1574, 1575, 1591, 1593, 1595, 1597, 1599, and 1641 of this title, repealing sections 1594, 1596, and 1632 of this title, and enacting provisions set out as a note under section 1591 of this title] may be cited as the 'Virgin Islands Elective Governor Act'."

## SHORT TITLE OF 1959 AMENDMENT

Pub. L. 86-289, §1, Sept. 16, 1959, 73 Stat. 568, provided: "That this Act [amending sections 1573, 1597, and 1617 of this title] may be cited as the 'Virgin Islands Organic Act Amendments of 1959'."

## SHORT TITLE

Act July 22, 1954, ch. 558, §1, 68 Stat. 497, provided that: "This Act [enacting this chapter, amending sections 104 and 111 of Title 21, Food and Drugs, and sections 3350 of former Title 26, Internal Revenue Code (see section 7652(b)(3) of Title 26), and enacting provisions set out as notes under this section] may be cited as the 'Revised Organic Act of the Virgin Islands'."

## SEPARABILITY

Act July 22, 1954, ch. 558, §36, 68 Stat. 510, provided that: "If any clause, sentence, paragraph, or part of this Act [see Short Title note above], or the application thereof to any person, or circumstances, is held invalid, the application thereof to other persons, or circumstances, and the remainder of the Act, shall not be affected thereby."

## CONGRESSIONAL APPROVAL OF PROPOSED CONSTITUTION FOR UNITED STATES VIRGIN ISLANDS

Pub. L. 97-21, July 9, 1981, 95 Stat. 105, set out the text of the Constitution for the United States Virgin Islands and provided that the Constitution is approved for submission to the people of the Virgin Islands in accordance with the provisions of Public Law 94-584, set out as a note preceding this section.

## SUBMERGED LANDS, CONVEYANCE TO TERRITORY

Conveyance of submerged lands to the government of the Virgin Islands, see section 1701 et seq. of this title.

**§ 1542. Voting franchise; discrimination prohibited**

(a) The franchise shall be vested in residents of the Virgin Islands who are citizens of the United States, twenty-one years of age or over.

Additional qualifications may be prescribed by the legislature: *Provided, however,* That no property, language, or income qualification shall ever be imposed upon or required of any voter, nor shall any discrimination in qualification be made or based upon difference in race, color, sex, or religious belief.

(b) The legislature shall have authority to enact legislation establishing the voting age for residents of the Virgin Islands at an age not lower than eighteen years of age, if a majority of the qualified voters in the Virgin Islands approve in a referendum election held for that purpose.

(July 22, 1954, ch. 558, §4, 68 Stat. 498; Pub. L. 91-460, Oct. 16, 1970, 84 Stat. 978.)

## AMENDMENTS

1970—Pub. L. 91-460 designated existing provisions as subsec. (a) and added subsec. (b).

**§ 1543. United States citizenship requirement for government officials**

All members of the Legislature of the Virgin Islands, the Governor, the Lieutenant Governor, all judges and all officials of the government of the Virgin Islands who report directly to the Governor shall be citizens of the United States.

(July 22, 1954, ch. 558, §29, 68 Stat. 509; Pub. L. 98-213, §5(a), Dec. 8, 1983, 97 Stat. 1460.)

## AMENDMENTS

1983—Pub. L. 98-213 amended section generally, substituting provisions requiring United States citizenship for all members of the Legislature of the Virgin Islands, the Governor, Lieutenant Governor and all officials who report directly to the Governor for provisions requiring such citizenship for all officers of the Virgin Islands, and struck out provisions requiring written oaths and prescribing the oath.

**§ 1544. Reports by Governor; jurisdiction of Secretary of the Interior; exceptions**

All reports required by law to be made by the Governor to any official of the United States shall hereafter be made to the Secretary of the Interior, and the President is authorized to place all matters pertaining to the government of the Virgin Islands under the jurisdiction of the Secretary of the Interior, except matters relating to the judicial branch of said government which on July 22, 1954 are under the supervision of the Director of the Administrative Office of the United States Courts, and the matters relating to the United States Attorney and the United States Marshal which on July 22, 1954 are under the supervision of the Attorney General.

(July 22, 1954, ch. 558, §30, 68 Stat. 509.)

**§ 1545. Lease and sale of public property; conveyance of title in certain lands to the government of Virgin Islands**

(a) The Secretary of the Interior shall be authorized to lease or to sell upon such terms as he may deem advantageous to the Government of the United States any property of the United States under his administrative supervision in the Virgin Islands not needed for public purposes.

(b)(1) All right, title, and interest of the United States in the property placed under the

control of the government of the Virgin Islands by section 1405c(a) of this title, not reserved to the United States by the Secretary of the Interior within one hundred and twenty days after October 5, 1974, is hereby conveyed to such government. The conveyance effected by the preceding sentence shall not apply to that land and other property which on October 5, 1974, is administered by the Secretary of the Interior as part of the National Park System and such lands and other property shall be retained by the United States.

(2) Subject to valid existing rights, title to all property in the Virgin Islands which may have been acquired by the United States from Denmark under the Convention entered into August 16, 1916, not reserved or retained by the United States in accordance with the provisions of Public Law 93-435 (88 Stat. 1210) is hereby transferred to the Virgin Islands government.

(July 22, 1954, ch. 558, §31, 68 Stat. 510; Pub. L. 93-435, §3, Oct. 5, 1974, 88 Stat. 1211; Pub. L. 96-205, title IV, §401(a), Mar. 12, 1980, 94 Stat. 88.)

#### REFERENCES IN TEXT

Public Law 93-435 (88 Stat. 1210), referred to in subsec. (b)(2), is Pub. L. 93-435, Oct. 5, 1974, 88 Stat. 1210, as amended, which enacted sections 1705 to 1708 of this title, amended this section, and repealed sections 1701 to 1703 of this title. For complete classification of this Act to the Code, see Tables.

#### AMENDMENTS

1980—Subsec. (b). Pub. L. 96-205 designated existing provisions as par. (1) and added par. (2).

1974—Subsec. (b). Pub. L. 93-435 substituted provisions conveying to the government of Virgin Islands title in lands now under its control with power to the Secretary of the Interior to reserve rights to the United States within 120 days after Oct. 5, 1974, with the exception of land and property being administered by the Secretary of the Interior as part of the National Park System, for provisions that the government of Virgin Islands shall continue to have control over all public property under its control on July 22, 1954.

#### SUBMERGED LANDS, CONVEYANCE TO TERRITORY

Conveyance of submerged lands to the government of the Virgin Islands, see section 1701 et seq. of this title.

#### § 1546. Authorization of appropriations

There are authorized to be appropriated annually by the Congress of the United States such sums as may be necessary and appropriate to carry out the provisions and purposes of this chapter.

(July 22, 1954, ch. 558, §35, 68 Stat. 510.)

#### SUBCHAPTER II—BILL OF RIGHTS

#### § 1561. Rights and prohibitions

No law shall be enacted in the Virgin Islands which shall deprive any person of life, liberty, or property without due process of law or deny to any person therein equal protection of the laws.

In all criminal prosecutions the accused shall enjoy the right to be represented by counsel for his defense, to be informed of the nature and cause of the accusation, to have a copy thereof, to have a speedy, and public trial, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor.

No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal cause to give evidence against himself; nor shall any person sit as judge or magistrate in any case in which he has been engaged as attorney or prosecutor.

All persons shall be bailable by sufficient sureties in the case of criminal offenses, except for first-degree murder or any capital offense when the proof is evident or the presumption great.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

No law impairing the obligation of contracts shall be enacted.

No person shall be imprisoned or shall suffer forced labor for debt.

All persons shall have the privilege of the writ of habeas corpus and the same shall not be suspended except as herein expressly provided.

No ex post facto law or bill of attainder shall be enacted.

Private property shall not be taken for public use except upon payment of just compensation ascertained in the manner provided by law.

The right to be secure against unreasonable searches and seizures shall not be violated.

No warrant for arrest or search shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Slavery shall not exist in the Virgin Islands.

Involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted by a court of law, shall not exist in the Virgin Islands.

No law shall be passed abridging the freedom of speech or of the press or the right of the people peaceably to assemble<sup>1</sup> and petition the government for the redress of grievances.

No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof.

No person who advocates, or who aids or belongs to any party, organization, or association which advocates, the overthrow by force or violence of the government of the Virgin Islands or of the United States shall be qualified to hold any office of trust or profit under the government of the Virgin Islands.

No money shall be paid out of the Virgin Islands treasury except in accordance with an Act of Congress or money bill of the legislature and on warrant drawn by the proper officer.

The contracting of polygamous or plural marriages is prohibited.

The employment of children under the age of sixteen years in any occupation injurious to health or morals or hazardous to life or limb is prohibited.

Nothing contained in this chapter shall be construed to limit the power of the legislature herein provided to enact laws for the protection of life, the public health, or the public safety.

No political or religious test other than an oath to support the Constitution and the laws of

<sup>1</sup> So in original. Probably should be "assemble".