

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-454 effective on ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as a note under section 1424 of this title.

CHIEF JUDGE; DISTRICT COURT; DETERMINATION AND QUALIFICATIONS

Pub. L. 98-454, title VII, §706(c), Oct. 5, 1984, 98 Stat. 1741, provided that: "The provisions of subsection (a) of this section [amending this section] regarding the determination and qualifications of the chief judge of the District Court of the Virgin Islands shall not apply to a person serving as chief judge of said court on the effective date of this Act [see Effective Date of 1984 Amendment note set out under section 1424 of this title]."

EXTENSION OF TERM OF DISTRICT JUDGES

Extension of term of district court judges to ten years applicable to judges holding office on Oct. 5, 1984, see section 1004 of Pub. L. 98-454, set out as a note under section 1424b of this title.

PRESENT INCUMBENT

Enactment of this chapter as not affecting term of office of judge of the District Court of the Virgin Islands in office on the date of its enactment, see Effective Date note set out under section 1541 of this title.

RESIGNATION AND RETIREMENT OF JUDGES

Resignation and retirement of judges in the Territories and possessions, see section 373 of Title 28, Judiciary and Judicial Procedure.

§ 1615. Judicial divisions

The Virgin Islands consists of two judicial divisions; the Division of Saint Croix, comprising the island of Saint Croix and adjacent islands and cays, and the Division of Saint Thomas and Saint John, comprising the islands of Saint Thomas and Saint John and adjacent islands and cays.

(July 22, 1954, ch. 558, §25, 68 Stat. 507; Pub. L. 95-598, title III, §336(b), Nov. 6, 1978, 92 Stat. 2680; Pub. L. 98-454, title VII, §707, title X, §1001, Oct. 5, 1984, 98 Stat. 1741, 1745; Pub. L. 101-219, title II, §203, Dec. 12, 1989, 103 Stat. 1874.)

AMENDMENTS

1989—Pub. L. 101-219 struck out provision that court for the Division of Saint Croix be held in Christiansted and for the Division of Saint Thomas and Saint John at Charlotte Amalie.

1984—Pub. L. 98-454 amended section generally, inserting provisions setting forth places for the holding of court of each judicial division and striking out provisions relating to the applicability of procedural rules and prosecutions by information and indictment, which are now covered under section 1614 of this title, and repealed section 336 of Pub. L. 95-598 which had amended this section.

1978—Pub. L. 95-598 substituted "section 2075 of title 28 in cases under title 11" for "section 53 of title 11 in bankruptcy cases".

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EFFECTIVE DATE OF 1978 AMENDMENT

Pub. L. 95-598, title IV, §402(e), Nov. 6, 1978, 92 Stat. 2682, which provided a prospective effective date for the amendment of this section by section 336(b) of Pub. L. 95-598, was repealed by Pub. L. 98-454, title X, §1001, Oct. 5, 1984, 98 Stat. 1745.

§ 1616. Trial by jury

All criminal cases originating in the district court shall be tried by jury upon demand by the defendant or by the Government. If no jury is demanded the case shall be tried by the judge of the district court without a jury, except that the judge may, on his own motion, order a jury for the trial of any criminal action. The legislature may provide for trial in misdemeanor cases by a jury of six qualified persons.

(July 22, 1954, ch. 558, §26, 68 Stat. 507; Pub. L. 85-851, §8, Aug. 28, 1958, 72 Stat. 1095.)

AMENDMENTS

1958—Pub. L. 85-851 substituted requirement of jury trial upon demand by defendant or Government for prohibition against denial to any person on demand of either party.

§ 1617. United States attorney; appointment; duties

The President shall, by and with the advice and consent of the Senate, appoint a United States attorney for the Virgin Islands to whose office the provisions of chapter 35 of title 28, shall apply. Except as otherwise provided by law it shall be the duty of the United States attorney to prosecute all offenses against the United States and to conduct all legal proceedings, civil and criminal, to which the Government of the United States is a party in the district court and in the courts established by local law. He shall also prosecute in the district court in the name of the government of the Virgin Islands all offenses against the laws of the Virgin Islands which are cognizable by that court unless, at his request or with his consent, the prosecution of any such case is conducted by the attorney general of the Virgin Islands. The United States attorney may, when requested by the Governor or the attorney general of the Virgin Islands, conduct any other legal proceedings to which the government of the Virgin Islands is a party in the district court or the courts established by local law.

(July 22, 1954, ch. 558, §27, 68 Stat. 507; Pub. L. 85-851, §9, Aug. 28, 1958, 72 Stat. 1095; Pub. L. 86-289, §4, Sept. 16, 1959, 73 Stat. 569; Pub. L. 92-24, June 2, 1971, 85 Stat. 76; Pub. L. 98-454, title VII, §708, Oct. 5, 1984, 98 Stat. 1741.)

AMENDMENTS

1984—Pub. L. 98-454 substituted "courts established by local law" for "inferior courts of the Virgin Islands" wherever appearing and struck out provisions relating to vacancies in the office of United States attorney for the Virgin Islands.

1971—Pub. L. 92-24 substituted "chapter 35" for "chapter 31" and struck out "except that the Attorney General shall not appoint more than one assistant United States attorney for the Virgin Islands" after "shall apply".

1959—Pub. L. 86-289 substituted provisions making chapter 31 of title 28 applicable to United States attorney and by provisions specifying his duties, for provisions which prescribed his term of office and provided for his compensation, provided for appointment and compensation of his assistant and employees, and provided that he or his assistant conduct all legal proceedings in which the United States Government or the government of the Virgin Islands is a party in the District Court and inferior courts.

1958—Pub. L. 85-851 substituted “United States attorney” for “district attorney” wherever appearing.

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SUBCHAPTER VI—SYSTEM OF ACCOUNTS

§ 1631. Establishment and maintenance; scope

The Governor shall establish and maintain systems of accounting and internal control designed to provide—

(a) full disclosure of the financial results of the government’s activities;

(b) adequate financial information needed for the government’s management purposes;

(c) effective control over and accountability for all funds, property, and other assets for which the government is responsible, including appropriate internal audit; and

(d) reliable accounting results to serve as the basis for preparation and support of the government’s request for the approval of the President or his designated representative for the obligation and expenditure of the internal revenue collections as provided in section 26, the Governor’s budget request to the legislature, and for controlling the execution of the said budget.

(July 22, 1954, ch. 558, § 18, 68 Stat. 505.)

REFERENCES IN TEXT

Section 26, referred to in subsec. (d), probably means section 26 of S. 3378 (act July 22, 1954, ch. 558, 68 Stat. 497) prior to the submission of S. 3378 to the Conference Committee which redesignated section 26 as section 28 of S. 3378. Said section 28 was composed of subssecs. (a) to (d). Subssecs. (a), (c), and (d) thereof enacted sections 1642, 1643, and 1644 of this title, respectively. Subsec. (b) thereof added subsec. (c) to section 3350 of former Title 26, Internal Revenue Code. Reference to section 3350(c) of former Title 26 is deemed a reference to section 7652(b)(3) of Title 26, Internal Revenue Code. See section 7852(b) of Title 26, Internal Revenue Code, which provides that any reference in any other law to a provision of the Internal Revenue Code of 1939 be deemed a reference to the corresponding provisions of the Internal Revenue Code of 1986.

AGREEMENT REGARDING FINANCIAL ACCOUNTABILITY AND PERFORMANCE STANDARDS

Pub. L. 106-84, § 2, Oct. 28, 1999, 113 Stat. 1295, provided that:

“(a) IN GENERAL.—The Secretary of the Interior is authorized to enter into an agreement with the Governor of the Virgin Islands establishing mutually agreed financial accountability and performance standards for the fiscal operations of the Government of the Virgin Islands.

“(b) TRANSMISSION TO CONGRESS.—Upon ratification of the agreement authorized in subsection (a) by both parties, the Secretary shall forward a copy of the agreement to the Committee on Resources [now Committee on Natural Resources] in the House of Representatives and the Committee on Energy and Natural Resources in the Senate.”

§ 1632. Repealed. Pub. L. 90-496, § 14, Aug. 23, 1968, 82 Stat. 842

Section, act July 22, 1954, ch. 558, § 19, 68 Stat. 505, authorized Comptroller General of United States to review annually the office and activities of Government

Comptroller of Virgin Islands, and report thereon to Governor, Secretary of the Interior, and Congress.

EFFECTIVE DATE OF REPEAL

Pub. L. 90-496, § 14, Aug. 23, 1968, 82 Stat. 842, provided that the repeal of this section is effective on the date of enactment of Pub. L. 90-496, which was approved Aug. 23, 1968.

SUBCHAPTER VII—FISCAL PROVISIONS

§ 1641. Method of payment of official salaries

The salaries and travel allowances of the Governor, Lieutenant Governor, the heads of the executive departments, other officers and employees of the government of the Virgin Islands, and the members of the legislature shall be paid by the government of the Virgin Islands at rates prescribed by the laws of the Virgin Islands.

(July 22, 1954, ch. 558, § 20, formerly § 20(c), 68 Stat. 506; Pub. L. 85-851, § 6(a), Aug. 28, 1958, 72 Stat. 1095; Pub. L. 90-496, § 10, Aug. 23, 1968, 82 Stat. 841.)

CODIFICATION

Prior to the 1968 amendment of section 20 of act July 22, 1954, this section constituted subsec. (c) of said section 20. Subssecs. (a) and (b) of said section 20 were classified to sections 1592 and 1598, respectively, of this title. Section 10 of Pub. L. 90-496 consolidated the text of said section 20 into a single unlettered paragraph, classified to this section.

AMENDMENTS

1968—Pub. L. 90-496 substituted provisions that the salaries and travel allowances of all officials connected with the executive and legislative departments of the government of the Virgin Islands be paid by the government of the Virgin Islands at rates prescribed by the laws of the Virgin Islands for provisions that the salaries of the Governor, the Government Secretary, the government comptroller, and their immediate staffs be paid by the United States, and provisions that the salaries of the heads of the executive departments be paid by the government of the Virgin Islands, such salaries to be paid without the necessity of further appropriations therefor, if the legislature fails to make an appropriation for such salaries.

1958—Pub. L. 85-851 provided for the payment of the salary of the government comptroller by the United States instead of by the government of the Virgin Islands.

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 OF 1958 AMENDMENT

Pub. L. 85-851, § 6(b), Aug. 28, 1958, 72 Stat. 1095, provided that: “This section 6 [amending this section] shall become effective on July 1, 1959.”

ELIMINATION OF GENERAL FUND DEFICITS OF GUAM AND VIRGIN ISLANDS

Pub. L. 96-597, title VI, § 607, Dec. 24, 1980, 94 Stat. 3483, as amended by Pub. L. 97-357, title VI, § 601, Oct. 19, 1982, 96 Stat. 1712, provided that:

“(a) In order to assist the governments of Guam and the Virgin Islands in eliminating general fund deficits, there is authorized to be appropriated to the Secretary of the Interior for payment to Guam not to exceed