

Rules of Criminal Procedure, shall, when applicable to causes arising under the income tax laws applicable to the Virgin Islands, mean the Attorney General of the Virgin Islands or such other person or persons as may be authorized by the laws of the Virgin Islands to act therein: *Provided further*, That in the district court all criminal prosecutions under the laws of the United States, under local law under section 1612(c) of this title, and under the income tax laws applicable to the Virgin Islands may be had by indictment by grand jury or by information: *Provided further*, That an offense which has been investigated by or presented to a grand jury may be prosecuted by information only by leave of court or with the consent of the defendant. All criminal prosecutions arising under local law which are tried in the district court pursuant to section 1612(b) of this title shall continue to be had by information, except such as may be required by the local law to be prosecuted by indictment by grand jury.

### (c) United States marshal

The Attorney General shall appoint a United States marshal for the Virgin Islands, to whose office the provisions of chapter 37 of title 28 shall apply.

(July 22, 1954, ch. 558, §24, 68 Stat. 506; Pub. L. 85-851, §7, Aug. 28, 1958, 72 Stat. 1095; Pub. L. 91-272, §3(b), June 2, 1970, 84 Stat. 296; Pub. L. 98-454, title VII, §706(a), (b), Oct. 5, 1984, 98 Stat. 1740.)

#### REFERENCES IN TEXT

The Federal Rules of Criminal Procedure, referred to in subsec. (b), are set out in the Appendix to Title 18, Crimes and Criminal Procedure.

#### CODIFICATION

In subsec. (c), “chapter 37 of title 28” substituted for “chapter 33 of title 28” on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, section 4(c) of which revised part II of Title 28, Judiciary and Judicial Procedure.

#### AMENDMENTS

1984—Subsec. (a). Pub. L. 98-454, §706(a), substituted provisions extending the term of a judge of the district court from eight to ten years, further substituted “of a court of the Virgin Islands established by local law,” for “a judge of the municipal court of the Virgin Islands,” in third sentence, and inserted provisions regarding the designation of the chief judge.

Subsec. (b). Pub. L. 98-454, §706(b), substituted provisions relating to criminal procedure in the district courts for former provisions which related to the chief judge of the district court and which are now set out in subsec. (a).

1970—Subsec. (a). Pub. L. 91-272 designated existing provisions as subsec. (a), increased from one to two the number of district judges, added judges of the municipal court of the Virgin Islands to the list of judges from which may be drawn temporary judges for the district court, and transferred to subsec. (c) provisions covering the appointment of a United States marshal for the Virgin Islands.

Subsec. (b). Pub. L. 91-272 added subsec. (b).

Subsec. (c). Pub. L. 91-272 added subsec. (c), the substance of which was formerly contained in subsec. (a).

1958—Pub. L. 85-851 substituted “the Attorney General shall appoint a United States marshal” for “the Attorney General shall, as heretofore, appoint a marshal and one deputy marshal”.

#### 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”.

#### 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.

#### 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.

## 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.

## 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 subsecs. (a) to (d). Subsecs. (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