

09/23/14-AMENDED AND REPORTED OUT TO THE FLOOR

BILL NO. 30-0392

Thirtieth Legislature of the Virgin Islands

May 19, 2014

An Act to amend Title 16 § 109(a) of the Virgin Islands Code by providing for the equitable distribution of marital real and personal property upon divorce

PROPOSED BY: Senator Nellie Rivera O'Reilly

1 *Be it enacted by the Legislature of the Virgin Islands:*

2 **SECTION 1.** Title 16 Virgin Islands Code, chapter 3, section 109 is amended in subsection (a)
3 by adding paragraph (7) to read as follows:

4 “(7) for the award to the parties of all marital property, in accordance with principles of equitable
5 distribution. For purposes of this paragraph, “marital property” means all real and personal property
6 acquired by either spouse subsequent to the marriage, except:

7 (A) Property acquired by gift, bequest, devise, or descent;

8 (B) Property acquired in exchange for property acquired prior to the marriage, or in
9 exchange for property acquired by gift, bequest, devise, or descent;

10 (C) Property acquired by a spouse after a decree of legal separation;

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1 (D) Any judgment or property obtained by judgment awarded to a spouse from the
2 other spouse;

3 (E) Property excluded by valid, written agreement of the parties; and

4 (F) Income from property acquired by a method listed in subparagraphs (A) through
5 (E), if the income is not attributable to the personal effort of a spouse’.”

6 **BILL SUMMARY**

7 The courts, citing to 33 V.I.C.§ 2305 (d), have ruled that courts in the Virgin Islands have
8 jurisdiction to distribute only the marital homestead and personal property in a divorce proceeding. Title
9 33 V.I.C. §2305 (d) provides in pertinent part that “in the case of a divorce, the court which grants it
10 shall make disposition of the homestead in accordance with the equity of the case.”

11 There is no other provision in the Code which addresses the distribution of other marital real
12 property. The intent of this bill is to confer jurisdiction on the divorce courts to distribute other property
13 acquired by the parties subsequent to the marriage, with the exception of certain properties that should
14 under principles of equitable distribution be excluded from distribution as marital property.

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17 BR13-0540/April 28, 2014/LHM/ Reviewed by YLT
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