

25101472D

SENATE BILL NO. 757

Offered January 8, 2025

Prefiled December 10, 2024

A BILL to amend and reenact § 18.2-121.3 of the Code of Virginia, relating to trespass with an unmanned aircraft system; contracted defense facility; penalty.

Patron—Locke

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-121.3 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-121.3. Trespass with an unmanned aircraft system; penalty.

A. Any person who knowingly and intentionally causes an unmanned aircraft system to (i) enter the property of another and come within 50 feet of a dwelling house (a) to coerce, intimidate, or harass another person or (b) after having been given actual notice to desist, for any other reason; (ii) take off or land in violation of current Federal Aviation Administration Special Security Instructions or UAS Security Sensitive Airspace Restrictions; or (iii) (a) drop any item within the boundaries of or (b) obtain any videographic or still image of any identifiable inmate or resident at any state or local correctional facility, as defined in § 53.1-1, or juvenile correctional center is guilty of a Class 1 misdemeanor.

B. Any person who knowingly and intentionally causes an unmanned aircraft system to enter the property of a contracted defense facility and obtains or attempts to obtain any videographic or still image of any information subject to the export control laws of the United States located within such facility is guilty of a Class 4 felony. No owner or operator of any such facility or its employees shall be liable for any damage to an unmanned aircraft system used in violation of this subsection.

As used in this subsection, "contracted defense facility" means a manufacturing facility or any other related facility that involves the construction, repair, maintenance, or deactivation of an asset of the U.S. Department of Defense pursuant to a contract with the federal government.

C. This section shall not apply to any person who causes an unmanned aircraft system to enter the property as set forth in subsection A if (i) consent is given to the entry by any person with legal authority to consent or by any person who is lawfully present on such property or (ii) such person is authorized by federal regulations to operate an unmanned aircraft system and is operating such system in an otherwise lawful manner and consistent with federal regulations.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2024, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

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