

**Department of Planning and Budget
2025 General Assembly Session
State Fiscal Impact Statement**

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ORIGINAL

Bill Number: SB1272 **Patron:** Jordan
Bill Title: Trespass with an unmanned aircraft system; penalties.

Bill Summary: Increases the penalty for knowingly and intentionally causing an unmanned aircraft system to (i) take off or land in violation of current Federal Aviation Administration Special Security Instructions or UAS Sensitive Airspace Restrictions, including the airspace over any state or local correctional facility or a juvenile correctional center or (ii) (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 or juvenile correctional center from a Class 1 misdemeanor to a Class 6 felony. The bill creates a Class 4 felony for any person who knowingly and intentionally causes an unmanned aircraft system to enter the property of any public services or utilities or critical infrastructure, as defined in relevant law. The bill states that any person who does such action and subsequently obtains and shares any videographic or still image of such public services, utilities, or critical infrastructure with the intent to commit espionage is guilty of a Class 3 felony. The bill clarifies that such offenses shall not apply to any person who causes an unmanned aircraft system to enter any prohibited property if such person is an employee of the property and is conducting official business.

Budget Amendment Necessary: Yes
Explanation: See below

Items Impacted: Item 390

Fiscal Summary:

Proposal requires minimum “Woodrum” impact funding per § 30-19.1:4, Code of Virginia, to account for a possible increase in the need for state prison beds due to this legislation.

General Fund Expenditure Impact:

<u>Agency</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Dept. of Corrections		\$50,000				
TOTAL		\$50,000				

Fiscal Analysis:

The proposal amends § 18.2-121.3 to increase the penalty from a Class 1 misdemeanor to a Class 6 felony if 1) an individual knowingly and intentionally causes an unmanned aircraft (drone) to take off or land in violation of current Federal Aviation Administration Special Security Instructions or UAS Sensitive Airspace Restrictions, which includes the airspace over any state, local, or juvenile correctional center; 2) if an individual drops any item within the boundaries of such facilities; or 3) if an individual obtains any videographic or still image of an

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identifiable inmate or resident at any such facility. The proposal also creates a new Class 4 felony for any person who knowingly and intentionally causes an unmanned aircraft system to enter the property of any public services, utilities, or critical infrastructure. If an individual obtains and shares any videographic or still images from such infrastructures with the intent to commit espionage, they are guilty of a Class 3 felony.

Anyone convicted of a Class 6 felony is subject to a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both. Anyone convicted of a Class 4 felony is subject to a term of imprisonment of not less than two years nor more than 10 years and a fine of not more than \$100,000. Anyone convicted of a Class 3 felony is subject to a term of imprisonment of not less than five years nor more than 20 years and a fine of not more than \$100,000.

There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities \$5.00 a day for each misdemeanor or otherwise local-responsible prisoner held in a jail and \$15.00 a day for each state-responsible prisoner. It also funds a considerable portion of the jails' operating costs, e.g., correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2024), the estimated total state support for local jails averaged \$56.38 per inmate, per day in FY 2023.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 2, 2024 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

Other: Companion to HB2592