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SENATE BILL NO. 1272**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the Senate Committee for Courts of Justice
on January 22, 2025)

(Patron Prior to Substitute—Senator Jordan)

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

A. Any person who knowingly and intentionally causes an unmanned aircraft system to ~~(a)~~ enter the property of another and come within 50 feet of a dwelling house ~~(a)~~ (i) to coerce, intimidate, or harass another person or ~~(b)~~ (ii) 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, and without authorization, causes an unmanned aircraft system to enter the airspace over any state or local correctional facility, as defined in § 53.1-1, or a juvenile correctional center or (i) drop any item within the boundaries of or (ii) 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 6 felony.*

C. *Any person who knowingly and intentionally, and without authorization, causes an unmanned aircraft system to enter the airspace over any public services or utilities, as described in § 18.2-162, or critical infrastructure, as defined in 42 U.S.C. § 5195c, including any military base authorized by the U.S. Department of Defense, is guilty of a Class 4 felony.*

D. This section shall not apply to any person who causes an unmanned aircraft system to enter the property as set forth in subsection A, B, or C 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; (iii) *such person is an employee of the property and is conducting official business;* or (iv) *such person is an employee of a public service or utility, as described in § 18.2-162, or critical infrastructure, as defined in 42 U.S.C. § 5195c, and is conducting official business.*

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.

SENATE SUBSTITUTE

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