

SENATE BILL NO. 1468

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology

on)

(Patron Prior to Substitute—Senator DeSteph)

A BILL to amend the Code of Virginia by adding a section numbered 44-115.1, relating to military and emergency laws; acquisition of land adjacent to a military base.

on _____)

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 44-115.1 as follows:****§ 44-115.1. Acquisition of land adjacent to a military base.**

A. Notwithstanding any other provision of law, on and after January 1, 2026, no person shall purchase, acquire, lease, or hold any interest in land adjacent to a military base in the Commonwealth unless such purchase, acquisition, lease, or holding of interest complies with the provisions of 50 U.S.C. § 4565.

B. This section shall not apply to (i) any interest in military land held by a foreign government prior to January 1, 2026, or (ii) any federally recognized Indian tribe or its government units and enterprises.

C. If an interest in land has been acquired in violation of this section, a county, city, or town attorney for the locality in which the land is located, the Attorney General, or any person that was a party to the prohibited transaction or is a subsequent holder of such interest may file an action in the circuit court where the such land is located for appointment of a receiver to take possession of and transfer or sell such interest. Notice of the pending action shall be duly recorded in the county or city in which such land is located. Any lien that has attached to such interest prior to the filing of such action shall remain a valid lien and be paid in the order of priority of recordation by the appointed receiver from sale proceeds.

The appointed receiver shall be considered a lien creditor as defined in § 55.1-339 and, with the approval of the circuit court where such land is located, shall sell or transfer such interest on such terms as the court may direct. Such court has exclusive jurisdiction to direct the appointed receiver and determine any controversy related to the receivership or receivership property. The powers and duties of an appointed receiver may be expanded, modified, or limited by court order.

D. An appointed receiver's disposition of land pursuant to subsection C transfers to a transferee all the rights in such land acquired in violation of this section and discharges the receiver's status as lien creditor.

31 *The transferee of such disposition takes the land subject to any other lien, interest, or other encumbrance.*
32 *Any lien, interest, or other encumbrance that has attached to such disposition before or during the prohibited*
33 *acquisition shall remain valid and enforceable, and the holder of such lien, interest, or encumbrance shall*
34 *retain all rights against the secured property, including the right and power to foreclose. Any person who*
35 *acquires an interest in land in violation of this section shall be barred from making a claim against any other*
36 *person for restitution of the purchase price paid by such interest in connection with such interest or for any*
37 *kind of payment relating to the loss of or lack of title to such interest.*

38 *E. Notwithstanding the provisions of this section, if a person acquiring an interest in violation of this*
39 *section has subsequently sold or transferred such an interest to a person or entity that is not in violation of*
40 *this section, title to such interest shall be vested in the subsequent transferee and shall be valid as if the*
41 *acquisition of such interest in violation of this section had not occurred.*

42 *F. This section shall not be applied in a manner inconsistent with any provision of any treaty between the*
43 *United States and another country.*