

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 19.2-60.1 of the Code of Virginia, relating to use of unmanned aircraft*
 3 *systems by public bodies; search warrant required; exceptions.*

4 [H 950]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 19.2-60.1 of the Code of Virginia is amended and reenacted as follows:**8 **§ 19.2-60.1. Use of unmanned aircraft systems by public bodies; search warrant required.**

9 A. As used in this section, unless the context requires a different meaning:

10 "Unmanned aircraft" means an aircraft that is operated without the possibility of human intervention from
11 within or on the aircraft.12 "Unmanned aircraft system" means an unmanned aircraft and associated elements, including
13 communication links, sensing devices, and the components that control the unmanned aircraft.14 B. No state or local government department, agency, or instrumentality having jurisdiction over criminal
15 law enforcement or regulatory violations, including ~~but not limited to~~ the Department of State Police, and no
16 department of law enforcement as defined in § 15.2-836 of any county, city, or town shall utilize an
17 unmanned aircraft system except during the execution of a search warrant issued pursuant to this chapter or
18 an administrative or inspection warrant issued pursuant to law.19 C. Notwithstanding the prohibition in this section, an unmanned aircraft system may be deployed without
20 a warrant (i) when an Amber Alert is activated pursuant to § 52-34.3; (ii) when a Senior Alert is activated
21 pursuant to § 52-34.6; (iii) when a Blue Alert is activated pursuant to § 52-34.9; (iv) where use of an
22 unmanned aircraft system is determined to be necessary to alleviate an immediate danger to any person; (v)
23 by a law-enforcement officer, an employee of the Department of State Police, or an employee of a local
24 law-enforcement agency following an accident where a report is required pursuant to § 46.2-373, to survey
25 the scene of such accident for the purpose of crash reconstruction and record the scene by photographic or
26 video images; (vi) by the Department of Transportation when assisting a law-enforcement officer to prepare a
27 report pursuant to § 46.2-373; (vii) for training exercises related to such uses; (viii) if a person with legal
28 authority consents to the warrantless search; (ix) by a law-enforcement officer or an employee of a
29 law-enforcement agency to (a) aerially survey a primary residence of the subject of the arrest warrant to
30 formulate a plan to execute an existing arrest warrant or *caipis* for a felony offense or (b) locate a person
31 sought for arrest when such person has fled from a law-enforcement officer and a law-enforcement officer
32 remains in hot pursuit of such person; ~~or~~ (x) by a law-enforcement officer investigating unmanned aircraft
33 systems surrounding or over property of the federal or state government, public critical infrastructure as
34 defined in § 44-146.28:2, or nongovernment-operated prison or jail facilities; *or (xi) by the Department of*
35 *Environmental Quality for the implementation and civil enforcement of Articles 2.2 (§ 62.1-44.15:20 et seq.),*
36 *2.3 (§ 62.1-44.15:24 et seq.), and 2.4 (§ 62.1-44.15:51 et seq.) of Chapter 3.1 of Title 62.1 against a*
37 *permittee.*38 D. The warrant requirements of this section shall not apply when such systems are utilized to support the
39 Commonwealth or any locality for purposes other than law enforcement, including damage assessment,
40 traffic assessment, flood stage assessment, and wildfire assessment. Nothing herein shall prohibit use of
41 unmanned aircraft systems for private, commercial, or recreational use or solely for research and
42 development purposes by institutions of higher education and other research organizations or institutions.43 E. Evidence obtained through the utilization of an unmanned aircraft system in violation of this section is
44 not admissible in any criminal or civil proceeding.45 F. In no case may a weaponized unmanned aircraft system be deployed in the Commonwealth or its use
46 facilitated in the Commonwealth by a state or local government department, agency, or instrumentality or
47 department of law enforcement in the Commonwealth except in operations at the Space Port and Naval/Aegis
48 facilities at Wallops Island. No weaponized unmanned aircraft systems shall be construed to include such
49 systems designed and used for the purpose of disabling another unmanned aircraft system.50 G. Nothing herein shall apply to the Armed Forces of the United States or the Virginia National Guard
51 while utilizing unmanned aircraft systems during training required to maintain readiness for its federal
52 mission or when facilitating training for other U.S. Department of Defense units.

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