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**HOUSE BILL NO. 2125**

Offered January 14, 2015

Prefiled January 14, 2015

*A BILL to amend the Code of Virginia by adding in Chapter 5 of Title 19.2 a section numbered 19.2-60.1, relating to use of unmanned aircraft systems; search warrant required.*

Patrons—Cline, Austin, Bell, Richard P., Campbell, Davis, Hodges, Leftwich, Morris, Pillion, Poindexter, Rush, Ware and Yost

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 5 of Title 19.2 a section numbered 19.2-60.1 as follows:**

**§ 19.2-60.1. Use of unmanned aircraft systems; search warrant required.**

A. No state or local government department, agency, or instrumentality having jurisdiction over criminal law enforcement or regulatory violations, including but not limited to the Department of State Police, and no department of law enforcement as defined in § 15.2-836 of any county, city, or town shall utilize an unmanned aircraft system except by virtue of and under a warrant issued by a proper officer pursuant to this chapter.

B. Notwithstanding the prohibition in this section, an unmanned aircraft system may be deployed without a warrant (i) when an Amber Alert is activated pursuant to § 52-34.3, (ii) when a Senior Alert is activated pursuant to § 52-34.6, (iii) when a Blue Alert is activated pursuant to § 52-34.9, (iv) for the purpose of a search or rescue operation where use of an unmanned aircraft system is determined to be necessary to alleviate an immediate danger to any person, or (v) for training exercises related to such uses.

C. The warrant requirements of this section shall not apply to the Virginia National Guard while utilizing unmanned aircraft systems during training required to maintain readiness for its federal mission, when facilitating training for other U.S. Department of Defense units, or when such systems are utilized to support the Commonwealth for purposes other than law enforcement, including damage assessment, traffic assessment, flood stage assessment, and wildfire assessment. Nothing herein shall prohibit use of unmanned aircraft systems solely for research and development purposes by institutions of higher education and other research organizations or institutions.

D. Evidence obtained through the utilization of an unmanned aircraft system when a warrant was required but no warrant was issued is not admissible in any criminal or civil proceeding.

E. In no case may a weaponized unmanned aircraft system be deployed or its use facilitated by a state or local government department, agency, or instrumentality or department of law enforcement in Virginia.

INTRODUCED

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