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SENATE BILL NO. 526

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on March 2, 2018)

(Patron Prior to Substitute—Senator Obenshain)

A *BILL to amend and reenact § 15.2-926.3 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 18.2-121.3 and by adding in Article 8 of Chapter 7 of Title 18.2 a section numbered 18.2-324.2, and to repeal the second enactment of Chapter 451 of the Acts of Assembly of 2016, relating to trespass; electronic device; penalty.*

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-926.3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-121.3 and by adding in Article 8 of Chapter 7 of Title 18.2 a section numbered 18.2-324.2 as follows:

§ 15.2-926.3. (Expires July 1, 2019) Local regulation of certain aircraft.

No ~~locality~~ political subdivision may regulate the use of a privately owned, unmanned aircraft system as defined in § 19.2-60.1 within its boundaries.

§ 18.2-121.3. Trespass with an electronic device; penalty.

A. Any person who knowingly and intentionally causes any electronic device to enter the property of another and come within 50 feet of a dwelling house (i) to coerce, intimidate, or harass another person or (ii) after having been given notice to desist, for any other reason is guilty of a Class 1 misdemeanor.

B. This section shall not apply to any person who causes an electronic device to enter the property as set forth in subsection A 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.

§ 18.2-324.2. Use of unmanned aircraft system for certain purposes; penalty.

A. It is unlawful for any person who is required to register pursuant to § 9.1-901 to use or operate an unmanned aircraft system to knowingly and intentionally follow, contact, or capture images of another person.

B. It is unlawful for a respondent of a protective order issued pursuant to § 16.1-279.1 or 19.2-152.10 to knowingly and intentionally use or operate an unmanned aircraft system to follow, contact, or capture images of the petitioner of the protective order or any other individual named in the protective order.

C. A violation of this section is a Class 1 misdemeanor.

2. That the second enactment of Chapter 451 of the Acts of Assembly of 2016 is repealed.