

VIRGINIA ACTS OF ASSEMBLY -- 2013 RECONVENED SESSION

CHAPTER 796

An Act to place a moratorium on the use of unmanned aircraft systems.

[S 1331]

Approved April 3, 2013

Be it enacted by the General Assembly of Virginia:

1. *§ 1. 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 the Code of Virginia of any county, city, or town shall utilize an unmanned aircraft system before July 1, 2015.*

Notwithstanding the prohibition in this section, an unmanned aircraft system may be deployed before July 1, 2015, (i) when an Amber Alert is activated pursuant to § 52-34.3 of the Code of Virginia, (ii) when a Senior Alert is activated pursuant to § 52-34.6 of the Code of Virginia, (iii) when a Blue Alert is activated pursuant to § 52-34.9 of the Code of Virginia, (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. In no case may a weaponized unmanned aircraft system be deployed or its use facilitated by a state or local agency in Virginia.

The prohibitions in 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 United States 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 stages, 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.

2. *That the Department of Criminal Justice Services, in consultation with the Office of the Attorney General and other state agencies, shall develop model protocols for use of unmanned aircraft systems by law-enforcement agencies and shall report such findings to the Governor and the General Assembly on or before November 1, 2013.*