

16100629D

HOUSE BILL NO. 269

Offered January 13, 2016

Prefiled December 31, 2015

A *BILL to amend the Code of Virginia by adding a section numbered 8.01-40.4, relating to invasion of privacy; civil action; damages; attorney fees and costs.*

Patron—Cole (By Request)

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 a section numbered 8.01-40.4 as follows:****§ 8.01-40.4. Invasion of privacy; civil action.**

A. Any person who without lawful authority enters onto the land or uses an unmanned aircraft system, as defined in § 19.2-60.1, to enter into the airspace above the land of another person to capture or attempt to capture an image, including the capture of a visual image, sound waves, or thermal, infrared, ultraviolet, or visible light waves or other electromagnetic waves, of private property or an individual located on such private property without the consent of the landowner or other person lawfully in charge of such property is liable for physical invasion of privacy.

B. Any person without lawful authority who uses any device, including an unmanned aircraft system as defined in § 19.2-60.1, to capture or attempt to capture an image, including the capture of a visual image, sound waves, or thermal, infrared, ultraviolet, or visible light waves or other electromagnetic waves, of private property or an individual located on such private property without the consent of the landowner or other person lawfully in charge of such property is liable for constructive invasion of privacy, regardless of whether there is physical entry onto the land or into the airspace above the land of another person, if such image could not have been obtained without such physical entry unless the device was used.

C. Any person found in violation of this section shall be liable to the plaintiff for actual damages or \$1,000, whichever is greater, in addition to reasonable attorney fees and costs.

D. If actual damages are awarded, the court may, in its discretion, award punitive damages.

INTRODUCED

HB269