

# 2016 SESSION

INTRODUCED

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## HOUSE BILL NO. 561

Offered January 13, 2016

Prefiled January 11, 2016

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-130.1, relating to use of unmanned aircraft for surveillance; penalty.*

Patron—Lingamfelter

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 18.2-130.1 as follows:

#### *§ 18.2-130.1. Use of unmanned aircraft system for surveillance; penalty.*

A. Except as authorized in § 19.2-60.1, any person who uses an unmanned aircraft system as defined in § 19.2-60.1 to capture an image, including the capture of sound waves or thermal, infrared, ultraviolet, visible light, 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 private property with the intent to conduct surveillance on such property or individual is guilty of a Class 3 misdemeanor. Any person who disseminates or sells an image captured in violation of this section is guilty of a Class 2 misdemeanor. It shall be an affirmative defense to a violation of this section that the person who captured the image destroyed the image as soon as the person had knowledge that such image was captured.

B. Nothing in this section shall prohibit the use of unmanned aircraft systems (i) to support the Commonwealth for purposes other than law enforcement, including damage assessment, traffic assessment, flood stage assessment, and wildlife assessment or (ii) solely for research and development purposes by institutions of higher education and other research organizations or institutions.

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