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**HOUSE BILL NO. 453**

Offered January 8, 2020

Prefiled January 3, 2020

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-121.4, relating to trespass with an unmanned aircraft system; local or state correctional facilities; penalty.*

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Patron—Wyatt

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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 18.2-121.4 as follows:****§ 18.2-121.4. Trespass with an unmanned aircraft system; correctional facilities; penalty.**

A. No person shall knowingly and intentionally cause an unmanned aircraft system to come within either a horizontal distance of 500 feet or a vertical distance of 250 feet from any local or state correctional facility, as defined in § 53.1-1. For the purposes of this section, horizontal distance shall extend outward from the furthest exterior building walls, perimeter fences, and permanent fixed perimeter or from another boundary clearly marked with posted notices. Any such posted notices shall be conspicuously posted not more than 100 yards apart along a marked boundary.

B. Any person violating this section is guilty of a Class 1 misdemeanor. Any person violating this section who delivers, attempts to deliver, or conspires with another to deliver to any prisoner confined in the local or state correctional facility any drug that is a controlled substance regulated by the Drug Control Act (§ 54.1-3400 et seq.) or marijuana is guilty of a Class 6 felony. Any person violating this section who delivers, attempts to deliver, or conspires with another to deliver to any prisoner confined in the local or state correctional facility firearms, ammunition, or explosives of any nature is guilty of a Class 5 felony.

C. The provisions of this section shall not apply to (i) a person operating an unmanned aircraft system with written consent from the official in charge of the correctional facility or (ii) a state or local government department, agency, or instrumentality having jurisdiction over criminal law enforcement or regulatory violations, as permitted in § 19.2-60.1.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

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