

2023 SESSION

SENATE SUBSTITUTE

23104827D

SENATE BILL NO. 1073

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary

on January 18, 2023)

(Patron Prior to Substitute—Senator Hackworth)

A BILL to amend and reenact § 18.2-121.3 of the Code of Virginia, relating to unmanned aircraft systems; trespass over correctional facilities; penalty.

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-121.3 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-121.3. Trespass with an unmanned aircraft system; penalty.

A. Any person who knowingly and intentionally causes an unmanned aircraft system to (i) enter the property of another and come within 50 feet of a dwelling house (a) to coerce, intimidate, or harass another person or (b) after having been given actual notice to desist, for any other reason, ~~or~~; (ii) take off or land in violation of current Federal Aviation Administration Special Security Instructions or UAS Security Sensitive Airspace Restrictions; *or (iii) (a) drop any item within the boundaries of or (b) obtain any videographic or still image of any identifiable inmate or resident of any state or local correctional facility, as defined in § 53.1-1, or juvenile correctional center* is guilty of a Class 1 misdemeanor.

B. This section shall not apply to any person who causes an unmanned aircraft system 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 and consistent with federal regulations.

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