

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5225

By Delegates Funkhouser, Martin, Heckert, Holstein,
and Ridenour

[Requested by the Office of Secretary of State]

[Introduced February 05, 2026; referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §61-16-2 of the Code of West Virginia, 1931, as amended, relating to
2 prohibiting any person to operate an unmanned aerial vehicle over a polling place on
3 election day.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16. USE OF UNMANNED AIRCRAFT SYSTEMS.

§61-16-2. Prohibited use of an unmanned aerial vehicle; criminal penalties.

1 (a) Except as authorized by the provisions of this article, it is unlawful for any person to
2 operate an unmanned aerial vehicle:

3 (1) To knowingly and intentionally capture or take photographs, images, video, or audio of
4 another person or the private property of another, without the other person's permission, in a
5 manner that would invade the individual's reasonable expectation of privacy, including, but not
6 limited to, capturing, or recording through a window;

7 (2) To knowingly and intentionally view, follow, or contact another person or the private
8 property of another without the other person's permission in a manner that would invade the
9 individual's reasonable expectation of privacy, including, but not limited to, viewing, following, or
10 contacting through a window;

11 (3) To knowingly and intentionally harass another person;

12 (4) To violate a restraining order or similar judicial order;

13 (5) To act with a willful wanton disregard for the safety of persons or property; or

14 (6) To knowingly and intentionally operate an unmanned aerial vehicle in a manner that
15 interferes with the official duties of law enforcement personnel or emergency medical personnel.

16 (b) It is unlawful for any person to operate an unmanned aerial vehicle over the property of
17 a targeted facility to:

18 (A) Intentionally deploy any substance, material, projectile, or object,

19 (B) To conduct surveillance of, or gather evidence and information about such facility, with
20 the intent to do harm to such facility the public or any person, or

(C) To engage in any attempt to obtain:

(i) Business trade secrets, proprietary information, or,

(ii) Protected Federal or state information for the operator's own use or profit.

(c) Nothing in this section prohibits a person from operating an unmanned aerial vehicle to

25 conduct surveillance of, gather evidence and information about, or photographically or

26 electronically record the person's own property or immovable property owned by another person

27 under a valid lease, servitude, right-of-way, right of use, permit, license, or other right: *Provided,*

28 That nothing in this section prohibits third persons retained by the owner of immovable property

29 from operating an unmanned aerial vehicle over, or to otherwise conduct surveillance of, gather

30 evidence and information about, or to photographically or electronically record the property;

31 *Provided, however, That nothing in this section prohibits a person from operating an unmanned*

32 aerial vehicle in connection with production of a motion picture, television program, or similar

33 production if the operation of the unmanned aerial vehicle is authorized by the property owner.

34 (d) The provisions of this section do not apply to a law-enforcement agency acting in

35 compliance with the provisions of this article: *Provided*, That a law enforcement agency's

36 operation of an unmanned aerial vehicle for the purpose of surveillance, investigation into crime,

37 or any other purpose related to the enforcement of the criminal laws of this state or those of the

38 United States shall be in accordance with the Fourth Amendment to the United States Constitution

39 and Article III, § 6 of the constitution of this state.

40 (e) The provisions of this section do not apply to a news organization using a camera-

41 carrying unmanned aerial vehicle at altitudes greater than 400 feet over private property for

42 legitimate newsgathering purposes.

43 (f) Any person violating the provisions of subsection (a) or (b) of this section is guilty of a

44 misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000

45 or confined in jail for not more than one year, or both fined and confined.

47 operates any unmanned aerial vehicle equipped with any deadly weapon, other than for military
48 purposes in an official capacity, is guilty of a felony and, upon conviction thereof, shall be fined not
49 less than \$1,000 nor more than \$5,000 or imprisoned in a state correctional facility for not less than
50 one nor more than five years, or both fined and imprisoned.

51 (h) Any person who operates an unmanned aerial vehicle with the intent to cause damage
52 to or disrupt in any way the flight of a manned aircraft is guilty of a felony and, upon conviction
53 thereof, shall be fined not less than \$1,000 nor more than \$5,000 imprisoned for not less than one
54 nor more than five years, or both fined and imprisoned.

55 (i) Any person who knowingly and intentionally operates an unmanned aerial vehicle on
56 election day above the grounds of a polling place or within 100 feet of the outside entrance to the
57 building housing the polling place is guilty of a misdemeanor and, upon conviction thereof, shall be
58 fined not less than \$100 nor more than \$1,000 or confined in jail for not more than one year, or both
59 fined and confined.

60 (i) (j) A person that is authorized by the Federal Aviation Administration to operate
61 unmanned aerial vehicles for commercial purposes may operate an unmanned aerial vehicle in
62 this state for such purposes if the unmanned aerial vehicle is operated in a manner consistent with
63 federal law.

NOTE: The purpose of this bill is to prohibit any person from operating an unmanned aerial vehicle over a polling place or within the electioneering zone on election day.

Strike-throughs indicate language that would be stricken from a heading or the present law
and underscoring indicates new language that would be added.