

Addendum:

Drone Law Comparison — Federal, State & Virginia

Companion document to Drone Harassment: Know Your Rights & Legal Remedies | DRONERESPONDERS · July 2026

The Core Legal Distinction

Federal (FAA) law governs how a drone flies — registration, altitude, airspace, pilot certification. State and local law governs how a drone is used against a person — privacy invasion, harassment, stalking, trespass, peeping. These are entirely separate legal questions. A drone flight can comply with every FAA rule and still violate multiple state criminal statutes.

1. Federal (FAA) Framework

The FAA regulates drones exclusively as aircraft in the National Airspace System. It does not address what a drone does to a person — only how it operates in the sky. Federal criminal law has limited reach into harassment by drone; the remedies available to victims primarily exist at the state level.

Federal Rule / Statute	What It Covers	Applies to Harassment?
FAA Registration 14 C.F.R. Part 48	All drones 250g+ must be registered with the FAA (\$5 fee, 3-yr renewal). Registration number must be visible on aircraft.	Indirectly — registration number enables Remote ID tracking, which is critical evidence in harassment cases.
Remote ID Rule (Eff. Sept. 16, 2023) 14 C.F.R. Parts 89, 107	All registered drones must broadcast ID, location, velocity, and altitude in real time. Law enforcement and the public can receive this signal.	YES — enables victim capture of operator ID. The Virginia Rockingham County case used Remote ID data as key evidence leading to conviction.
Part 107 Commercial 14 C.F.R. Part 107	Commercial drone pilots: must hold Remote Pilot Certificate; max 55 lbs; visual line of sight; max 400 ft AGL in Class G airspace; waiver system for exceptions.	Indirectly — violation of Part 107 rules during harassment flight is additional evidence of unlawful conduct.
Section 44809 Recreational 49 U.S.C. § 44809	Recreational fliers: must pass TRUST safety test; must fly within community-based safety guidelines; stay below 400 ft AGL.	Indirectly — TRUST test completion is traceable; failure to comply adds legal exposure.
FAA Penalties 49 U.S.C. § 46301	Civil penalties up to \$27,500 per violation. Criminal penalties for willful violations. FAA may pursue certificate action, civil penalty, or criminal referral.	Limited — FAA enforcement is for airspace/operational violations, not harassment per se. FAA can pursue if the pilot violated airspace rules during harassment.
Critical Infrastructure 49 U.S.C. § 46307	Unauthorized drone flights over national defense airspace are a federal crime.	No — does not address personal harassment.
Aircraft Tampering 18 U.S.C. § 32	Federal crime to damage or tamper with an aircraft (including drones) in a way that endangers safety.	No — protects drones from tampering; does not address drone-based harassment.

What Federal Law Cannot Do

The FAA cannot prosecute a drone operator for stalking, peeping, trespass, or harassment. That jurisdiction belongs exclusively to state and local prosecutors. The FAA's role in a harassment case is limited to: (1) providing registration data, (2) Remote ID evidence, and (3) possible separate airspace violation charges. Always pursue state charges first.

2. Virginia Drone Laws (Model State for Drone Harassment Cases)

Virginia is one of the most comprehensive states for drone harassment prosecution. The 2024 Rockingham County conviction — the first in the nation to use Remote ID data to identify and prosecute a drone stalker — was achieved under Virginia statutes. The legislature has continued strengthening these laws, with felony tiers for critical infrastructure violations effective July 1, 2025.

Virginia Statute	What It Covers	Penalty
§ 18.2-121.3 UAS Trespass	Flying a drone within 50 feet of a dwelling to harass, intimidate, or conduct surveillance of an occupant.	Class 1 Misdemeanor (up to 12 mo. jail / \$2,500 fine) Class 4 Felony for critical infrastructure (eff. 7/1/2025)
§ 18.2-130.1 Peeping by Drone	Using a drone to view or record a person through windows or openings into their dwelling without consent.	Class 1 Misdemeanor (up to 12 mo. jail / \$2,500 fine)
§ 18.2-60.3 Stalking	Course of conduct directed at a specific person that places them in reasonable fear for safety. Drone-based repeated surveillance and pursuit qualifies.	Class 1 Misd. (1st offense) Class 6 Felony (subsequent) 1-5 yrs prison (felony)
§ 18.2-324.2 Drone by Sex Offenders / Protective Order Respondents	Prohibits persons on sex offender registry or subject to protective orders from using a drone to follow, record, or contact anyone without permission.	Class 1 Misdemeanor; may trigger protective order violation (additional charges)
§ 18.2-152.7:1 Harassment by Computer / Electronic Device	Using electronic communication to harass, intimidate, or threaten. Drone with live feed/remote communication platform may qualify.	Class 1 Misdemeanor
§ 15.2-926.3 State Preemption	State law preempts local drone regulation, with carve-outs for take-off/landing on government property.	N/A — structural preemption provision
§ 19.2-60.1 Law Enforcement Warrant Requirement	Law enforcement must obtain a warrant before using a drone for criminal investigation or surveillance. Exceptions: Amber Alert, Senior Alert, Blue Alert.	Evidence exclusion for warrantless collection

Virginia Case Study: Rockingham County (2024) — First Remote ID Conviction

Lynlee Thorne documented drone harassment by Dustin Eugene Honeycutt beginning in 2020. On June 19, 2024, she captured Remote ID data identifying the drone registration. A detection tower was deployed July 2024. A search warrant was executed August 23, 2024. Honeycutt pleaded guilty October 23, 2024 to 6 of 8 counts including drone stalking. Sentence: 2 years suspended + 1 year probation. This case established the legal playbook: Remote ID + state stalking statutes = prosecutable harassment.

3. State-by-State Law Comparison

The following table summarizes drone-specific privacy, harassment, trespass, stalking, and surveillance laws across key states. Where a state has no dedicated drone statute, general criminal statutes (voyeurism, stalking, trespass, eavesdropping) apply to drone conduct — the drone is the tool, not a legal exemption.

State	Key Statute(s)	What It Covers	Penalty	Local Laws Allowed?
VIRGINIA (Model)	§ 18.2–121.3 § 18.2–130.1 § 18.2–60.3 § 18.2–324.2	UAS trespass within 50 ft of dwelling; peeping by drone; stalking; drone use by sex offenders or protective order respondents	Class 1 Misd.–Class 6 Felony (stalking 2nd+). Felony for critical infrastructure (eff. 7/1/2025)	No — state preemption (§ 15.2–926.3)
CALIFORNIA	Civil Code § 1708.8 Penal Code § 632	Drone capture of video/audio of another person without consent (physical invasion of privacy). Eavesdropping on private communications.	Civil: up to 3x damages + \$5,000–\$50,000 fine per violation. Criminal eavesdropping: misdemeanor/felony.	Limited — some cities have noise/park rules
FLORIDA	§ 934.50 § 330.41	Surveillance in violation of reasonable expectation of privacy (applies to both private operators and law enforcement). Flying over critical infrastructure.	Misdemeanor (1st offense: 2nd degree; repeat: 1st degree). Victim may seek injunction + damages.	No — state preemption
TEXAS	Gov. Code § 423.002–.004 § 423.0045	Capturing images of persons or property with reasonable expectation of privacy. Flying over critical infrastructure. Surveillance images are illegal to possess, disclose, or use.	Class C–B Misdemeanor (privacy violations). Class B Misd. for critical infra. Repeat = Class A Misd.	Limited — local govts have narrow authority
ILLINOIS	725 ILCS 167 720 ILCS 5/26–4 720 ILCS 5/21–3	Law enforcement drone surveillance restricted (warrant required). Private drone: unauthorized video recording in private places (bedroom, locker room, etc.). Criminal trespass by landing on private property.	720 ILCS 5/26–4: Class 4 Felony (1st offense), Class 3 Felony (subsequent). Trespass: misdemeanor.	Yes — Chicago and cities >1M pop can adopt local ordinances (620 ILCS 5/42.1)
NEW YORK	Penal Law § 250.45 Penal Law § 240.26 Penal Law Art. 280 (eff. Aug. 2026)	Voyeurism/unlawful surveillance using imaging device. Harassment by drone (course of conduct, alarm/annoy). New 2026 law: operating drone in nefarious manner — harassment, stalking, intimidation, surveil.	§ 250.45: Class E Felony (up to 4 yrs). § 240.26: Violation. Art. 280 nefarious use: Class A Misd.	NYC has additional parks/airspace rules
NORTH CAROLINA	GS § 15A–300.1 § 15A–300.2 § 14–401.24	Drone surveillance of person/property without consent. Launching/recovering drone on private property without permission. Sharing thermal imaging drone photos without permission.	Class A1 Misdemeanor (thermal imaging). Other provisions: varies by violation.	No — state preemption with limited exceptions
TENNESSEE	TN Code § 39–13–903 § 39–13–609	Photographing person in private area by drone. Drone surveillance of private property. Recording at ticketed events (100+ people) without permission.	Misdemeanor. Law enforcement use requires warrant (reasonable suspicion/emergency exceptions).	Limited

State	Key Statute(s)	What It Covers	Penalty	Local Laws Allowed?
LOUISIANA	LA RS § 14:283 § 14:283.3 § 14:284 § 14:63	Video voyeurism by drone. Sharing drone-captured images of person with disability to embarrass/harass. Peeping Tom / spying by drone. Criminal trespass by drone over private property.	Voyeurism: up to \$500 fine + 6 mo. jail (1st). Trespass: \$500 fine + 6 mo. jail.	Limited
NEVADA	NRS § 493.103 § 493.112 § 493.130	Property owners can sue for repeated drone flights <250 ft above private property. Law enforcement requires warrant. Reckless or intoxicated drone flight.	Civil liability for trespass. Reckless/intoxicated flight: Gross Misdemeanor.	Limited
OKLAHOMA	OK Stat. § 21-1743 § 3-322	Flying drone <400 ft above private property to surveil or eavesdrop. Recording/photographing person with reasonable expectation of privacy. Landing on private property without permission.	Misdemeanor for surveillance/eavesdropping and privacy violations. Civil damages for critical infra violations.	Limited
ARKANSAS	AR Code § 5-16-101	Using drones to commit video voyeurism (invasion of privacy). Sharing voyeurism images.	Class B Misdemeanor (base). Class A Misdemeanor if images shared online or with others.	Limited
GEORGIA	O.C.G.A. § 16-11-62 § 6-1-4 (HB 481)	Clandestine surveillance or recording of persons in private places without consent (eavesdropping/surveillance statute applies to drones). State preemption of local ordinances.	Criminal penalty under § 16-11-62: misdemeanor to felony depending on severity. Sex offenders prohibited from drone use to photograph/contact persons.	No — state preemption (post-April 2017 ordinances void)
MICHIGAN	MI Comp. Laws § 259.301–.331 § 324.40112	Drone-related criminal activities and interference with first responders under MI UAS Act. Harassing or interfering with hunters using drones.	Misdemeanor: up to 93 days jail + \$1,000 fine per offense.	Limited
OREGON	ORS § 837.300–.390 § 837.380	Law enforcement drone use restricted. Repeated recreational flights over private property against owner's wishes (civil right of action). Hacking/interfering with a drone.	Weaponized drone: Class A Misdemeanor. Drone interference: min. \$5,000 civil penalty. Owner can sue for repeat trespass flights.	Limited
WISCONSIN	WI Stat. § 942.10 § 941.292 § 175.55	Surveilling, photographing, or recording person with reasonable expectation of privacy by drone. Flying weaponized drone. Law enforcement warrant requirement.	§ 942.10 privacy surveillance: Class A Misdemeanor. Weaponized drone: Class H Felony.	Limited
SOUTH DAKOTA	SD Code § 50-15 (trespass/privacy)	Drone trespass on private property. Recording persons with expectation of privacy by drone.	Misdemeanor for trespass/privacy violations.	Limited
UTAH	UT Code § 72-14-201–205 § 76-6-206	Law enforcement data collection by drone subject to warrant rules. Criminal trespass by drone on/over private property. Unauthorized weapon attachment to drone.	Trespass: Class B Misd. Unauthorized weapon: Class B Misd. Correctional facility interference: Class B Misd.	Limited

State	Key Statute(s)	What It Covers	Penalty	Local Laws Allowed?
PENNSYLVANIA	PA CSA § 18-3505 § 2322	Reckless drone operation. Drone in private location for intentional surveillance. Delivering contraband by drone.	Reckless operation: max \$300 fine. Contraband delivery: 2nd-degree Felony.	Limited
MINNESOTA	MN Stat. § 626.19 § 360.075	Law enforcement drone use requires search warrant. Criminal acts relating to drones including tampering and stunt flights above crowds.	Misdemeanor to Gross Misdemeanor under § 360.075.	Limited
IDAHO	ID Code § 21-213	Surveillance and recording of person or property via drone without written consent.	Civil lawsuit — no criminal penalty specified. Victim can sue operator.	Limited
MARYLAND	MD Code Econ. Dev. § 14-301	Establishes state authority over drone regulation. Preempts local authorities.	N/A — preemption structure; specific penalties under general criminal statutes.	No — state preemption
NEW JERSEY	NJ Code 2C § 40-28	Prohibited drone uses: endangering others, flying near correctional facility, interfering with law enforcement/emergency responders, hunting wildlife, violating restraining order, piloting while intoxicated.	Specific penalties vary by violation — criminal charges apply.	Limited
COLORADO	CRS § 18-8-104	Obstructing law enforcement and emergency responders by using a drone.	Not fully specified — obstruction charges apply.	Limited
WASHINGTON	WAC 172-110-070	Drones in areas with reasonable expectation of privacy (changing rooms, etc.) — university/agency rule applies; general criminal statutes (voyeurism) apply statewide.	Criminal voyeurism statutes apply.	Limited
MONTANA	MT Code § 46-5-109	Law enforcement drone collection of evidence without search warrant: inadmissible.	Evidence exclusion.	Limited
NORTH DAKOTA	ND Code § 29-29.4-01-06	Limits drone use for surveillance and crime investigation by law enforcement.	Not fully specified — structural warrant limitation.	Limited
ALASKA	AS § 18.65.900-909	Law enforcement can only use drones in limited circumstances (warrant or exception required).	Evidence suppression for warrantless use.	Limited
ARIZONA	ARS § 13-3729	Violating FAA requirements or interfering with emergency services using a drone. Drone flights over critical facilities (power stations, prisons).	Class 1 Misdemeanor (FAA/emergency violation). Felony (critical facility photography).	Limited

States with No Dedicated Drone Privacy/Harassment Statute: Ohio and several others rely entirely on general criminal statutes (stalking, voyeurism, trespass, eavesdropping). This does not mean drones are unregulated — it means prosecutors must charge the underlying criminal act (e.g., voyeurism, stalking) rather than a drone-specific offense. The result is the same criminal liability.

4. Prosecution Framework: How State Law Fills Federal Gaps

Because the FAA does not address drone-based harassment, state prosecutors have multiple avenues to pursue criminal charges. The key is identifying which state statutes apply based on the specific conduct of the drone operator.

Drone Operator's Conduct	Applicable State Law	Virginia Statute	Common Charge Level
Flying drone near victim's home to frighten/intimidate	UAS trespass / harassment statute	§ 18.2-121.3	Misdemeanor to Felony
Recording victim through windows of home	Peeping Tom / voyeurism / drone peeping statute	§ 18.2-130.1	Misdemeanor (many states)
Repeated targeting of specific victim over days/weeks	Stalking / harassment statute	§ 18.2-60.3	Misdemeanor (1st) Felony (2nd+)
Flying by subject of protective order	Protective order violation / restraining order drone statute	§ 18.2-324.2	Misdemeanor + PO violation
Capturing intimate images of victim without consent	Voyeurism / unlawful surveillance / video voyeurism statute	§ 18.2-130.1 + general voyeurism	Misdemeanor to Felony
Sharing captured images to harass or embarrass	Harassment, revenge porn, or voyeurism distribution statute	§ 18.2-152.7:1	Misdemeanor to Felony
Drone equipped with a weapon or projectile device	Assault / weapons statutes + drone-specific weapon bans	General assault statutes	Felony
Buzzing victim or their vehicle in a threatening manner	Reckless endangerment / assault / menacing	§ 18.2-57 (assault)	Misdemeanor to Felony
Operator continues after cease-and-desist or warning	Aggravated stalking / harassment; violation of court order	§ 18.2-60.3 (2nd+ offense)	Felony

5. Law Enforcement Quick Reference

What Law Enforcement Needs to Know

1. FAA ≠ your primary tool. The FAA will not prosecute drone harassment. Charge the underlying criminal conduct under your state statutes. 2. Remote ID is your friend. Since September 2023, all registered drones broadcast registration data. Victims and officers can capture this with a smartphone. Request the FAA registration record from DroneZone ([oeaaa.faa.gov](https://www.faa.gov/dronezone)) or via subpoena to the FAA. This provides the registered operator's name and address. 3. Build the pattern. Stalking requires proof of a course of conduct. Help the victim maintain a log: dates, times, location, photos/video of drone, Remote ID captures, emotional impact. Each incident is a data point; the pattern is the crime. 4. Search warrant for your own drone use. In most states, law enforcement must obtain a warrant before deploying a drone to investigate. Confirm your state's requirements before flight to preserve admissibility.

Evidence Type	How to Obtain / Preserve	Legal Authority (Virginia)
FAA Registration Data	Request via FAA DroneZone or FOIA; or subpoena FAA records. Remote ID serial number → maps to registered owner.	49 U.S.C. § 44101 (registration database)
Remote ID Broadcast Capture	Victim or officer uses Remote ID display app (ASTM-compliant). Log date/time/GPS/serial number.	14 C.F.R. Part 89; public broadcast — no warrant needed

Evidence Type	How to Obtain / Preserve	Legal Authority (Virginia)
Video/Photo Documentation	Victim self-documents; law enforcement body cam. Admissible as course-of-conduct evidence.	§ 18.2–60.3 pattern elements
Digital Flight Logs	Subpoena drone manufacturer (DJI, Autel, etc.) for cloud-sync flight logs. Contains GPS tracks.	Search warrant or grand jury subpoena
Social Media Evidence	Check for perpetrator boasting about flights. Preserve via screenshot + hash. Request platform records.	Electronic evidence preservation standards
Drone Hardware	Search warrant for drone, controller, and connected phone. Forensic extraction of stored footage and GPS.	§ 19.2–60.1 (warrant required); search warrant process

6. Local Ordinance Authority — State Preemption Summary

Many states have preempted local drone regulation — meaning cities and counties cannot create their own drone laws. However, this does NOT prevent prosecution under existing criminal statutes (stalking, trespass, voyeurism). Preemption affects drone-specific ordinances only.

State	Preemption?	Notes
Virginia	YES — § 15.2–926.3	State law controls drone regulation. Carve-out: local govts may regulate takeoff/landing on their own property.
Florida	YES	State preempts local drone rules. Existing city ordinances may have grandfather provisions.
Texas	PARTIAL	Local govts have narrow authority only. State Chapter 423 is primary framework.
Georgia	YES — § 6–1–4 (HB 481)	Post–April 2017 local ordinances are void. Three narrow exceptions for FAA enforcement, pre–2017 laws, and public property launch/landing rules.
North Carolina	YES	State law preempts local UAS regulation with limited exceptions.
Maryland	YES	State authority preempts local government drone ordinances.
Illinois	PARTIAL	State controls most regulation, but cities with population >1,000,000 (Chicago) may adopt ordinances.
California	Contested	No explicit statewide preemption — cities like Los Angeles have their own drone rules. State statutes coexist with local ordinances.
New York	PARTIAL	No omnibus state preemption. NYC has significant local rules (parks, airspace). Upstate: primarily state and FAA rules.
Most Other States	PARTIAL or NONE	Many states allow local park rules, noise ordinances, and event restrictions. Check individual state law before relying on local ordinance authority.

Resources & References

- [FAA UAS Registration & DroneZone](https://oeaaa.faa.gov/oeaaa/external/portal.jsp) — <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>
- [FAA Remote ID Rule \(14 C.F.R. Part 89\)](https://www.faa.gov/uas/getting_started/remote_id) — https://www.faa.gov/uas/getting_started/remote_id
- [FindLaw — Drone Laws by State](https://www.findlaw.com/consumer/consumer-transactions/drone-laws-by-state.html) — <https://www.findlaw.com/consumer/consumer-transactions/drone-laws-by-state.html>
- [Virginia Code § 18.2–121.3 \(UAS Trespass\)](https://law.lis.virginia.gov/vacode/title18.2/chapter5/section18.2-121.3/) — [https://law.lis.virginia.gov/vacode/title18.2/chapter5/section18.2–121.3/](https://law.lis.virginia.gov/vacode/title18.2/chapter5/section18.2-121.3/)
- [Virginia Code § 18.2–60.3 \(Stalking\)](https://law.lis.virginia.gov/vacode/title18.2/chapter4/section18.2-60.3/) — [https://law.lis.virginia.gov/vacode/title18.2/chapter4/section18.2–60.3/](https://law.lis.virginia.gov/vacode/title18.2/chapter4/section18.2-60.3/)

– [Florida § 934.50 — Freedom from Unwarranted Surveillance](#) —

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL;=0900-0999/0934/Sections/0934.50.html

– [Texas Gov. Code Chapter 423 — Use of Unmanned Aircraft](#) — <https://statutes.capitol.texas.gov/Docs/GV/htm/GV.423.htm>

– [California Civil Code § 1708.8 — Drone Privacy](#) —

https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1708.8&lawCode=CIV

– [New York Penal Law Art. 280 \(eff. Aug. 2026\) — Unlawful Use of Drone](#) —

<https://www.nychiefs.org/news/unlawful-use-drone-and-law-enforcement-drone-mitigation-authority-chapter-55-laws-2026>

– [Illinois 725 ILCS 167 — Freedom from Drone Surveillance Act](#) — <https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=3520&ChapterID=54>

– [DRONERESPONDERS \(AIRT\)](#) — <https://droneresponders.org>

– [Contact: DRONERESPONDERS.ORG](#) — <https://droneresponders.org>

– [Police1 — Virginia Drone Stalking Case Study](#) —

<https://www.police1.com/drones/what-happens-when-a-drone-stalks-you-at-first-nothing-but-a-woman-found-a-way-to-fight-back>

– [SPARC Prosecutor's Guide to Stalking](#) — <https://www.stalkingawareness.org>

Contact: [DRONERESPONDERS.ORG](#)

This addendum is for informational purposes only and does not constitute legal advice. Laws change frequently — always verify current statutes with an attorney licensed in the relevant jurisdiction. State law citations are current as of July 2026.

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