

Virginia | AI Policy Overview

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AI Policy Overview

Virginia lawmakers have shown a willingness to enact artificial intelligence policies. In 2019, Virginia became the first state to address nonconsensual, sexual deepfakes by amending an existing “revenge porn” law to include deepfakes. In 2022, Virginia enacted a law establishing provisions for law enforcement use of facial recognition technology, overturning a previous ban on law enforcement use of the technology.

In September 2023, Governor Glen Yongking (R) signed an [executive directive](#) requiring the Office of Regulatory Management, the state chief information officer, and relevant secretariats to review potential AI usage within the state and to establish standards for such use.

In 2024, lawmakers enacted a law ([VA SB 487](#)) directing the Joint Commission on Technology and Science to conduct an analysis of the use of AI by public bodies in the Commonwealth and the creation of a Commission on Artificial Intelligence with a report due to legislative leaders by Dec. 1, 2024.

Deepfakes

In 2019, Virginia became the first state to address nonconsensual sexual deepfakes ([VA HB 2678](#)) by adding to an existing “revenge porn” law the provision that “a person whose image was used in creating, adapting, or modifying a videographic or still image with the intent to depict an actual person and who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic.” Violation is a misdemeanor under the criminal code.

Facial Recognition

In 2022, Virginia enacted a law ([VA SB 741](#)) establishing provisions for when law enforcement agencies may use facial recognition technology, overturning much of a 2021 law ([VA HB 2031](#)) that had broadly banned law enforcement use of facial recognition. The law prohibits facial recognition technology from being used to track the movements of individuals or to create a database of images using a live video feed for the purpose of using facial recognition technology.

In 2024, Virginia enacted a law ([VA HB 1496](#)) requiring all localities to provide the Department of Criminal Justice Services with a list of all surveillance technologies used by law-enforcement agencies of the locality and requires the Commission on Technology and Science to conduct a study on the use of such surveillance technology and implications of its use, susceptibility to misuse or cyberattack, and cost.

Legislative & Regulatory History

- **2024** - Virginia enacted [VA SB 487](#), which requires an analysis of the use of AI by public bodies in the state and the creation of a Commission on AI.
- **2024** - Virginia enacted [VA HB 1496](#), which requires all localities to provide a list of all surveillance technologies used by law-enforcement agencies.
- **2023** - Gov. Youngkin issued [Executive Directive Number Five \(2023\)](#) on Sep. 20, 2023, requiring the Office of Regulatory Management, the state chief information officer, and relevant secretariats to review potential AI usage within the state and to establish standards for such use.
- **2022** - Virginia enacted [VA SB 741](#), which establishes when law enforcement agencies may use facial recognition technology, overturning much of the 2021 law broadly banning such use.
- **2021** - Virginia enacted [VA HB 2031](#), which prohibited law enforcement from using facial recognition technology.
- **2019** - Virginia enacted [VA HB 2678](#), which amended an existing “revenge porn” law to include nonconsensual, sexual deepfakes.