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**HOUSE BILL NO. 1918**

Offered January 10, 2001

Prefiled January 8, 2001

*A BILL to amend and reenact § 19.2-175 of the Code of Virginia, relating to compensation of court appointed experts.*

Patrons—Van Yahres; Senator: Couric

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:****1. That § 19.2-175 of the Code of Virginia is amended and reenacted as follows:**

§ 19.2-175. Compensation of experts.

A. Each psychiatrist, clinical psychologist or other expert appointed by the court to render professional service pursuant to §§ 19.2-168.1, 19.2-169.1, 19.2-169.5, subsection A of § 19.2-176, §§ 19.2-177.1, 19.2-182.5, 19.2-182.8, 19.2-182.9, 19.2-264.3:1, or § 19.2-301, or a court order to perform a special psychological evaluation in a criminal matter, who is not regularly employed by the Commonwealth of Virginia except by the University of Virginia School of Medicine and the Medical College of Virginia, shall receive a reasonable fee for such service. The fee shall be determined in each instance by the court that appointed the expert, in accordance with guidelines established by the Supreme Court after consultation with the Department of Mental Health, Mental Retardation and Substance Abuse Services. Except in capital murder cases the fee shall not exceed \$400, but in addition if In addition, the expert shall be entitled to reimbursement for expenses incurred to score psychological tests and obtain treatment or educational records relevant to the evaluation.

B. Except for evaluations pursuant to § 19.2-264.3:1, the fee for an evaluation shall not exceed \$800, as follows:

- (i) \$400 for an evaluation pursuant to either § 19.2-169.1, § 19.2-177.1 or § 19.2-189.9;
- (ii) \$600 for an evaluation pursuant to either § 19.2-169.5, § 19.2-168.1 or § 19.2-176;
- (iii) \$800 for an evaluation pursuant to either § 19.2-189.5, § 19.2-189.8 or § 19.2-301;
- (iv) \$800 for a combination of any two types of evaluations requested in the same court order;
- (v) When an evaluation is ordered by the court, which is not covered by a specific statute, the expert shall be paid up to \$800, which shall be determined by the court that appointed the expert; and
- (vi) When counsel for the defendant has notified the court of intent to present an insanity defense, the experts who performed the initial evaluation pursuant to § 19.2-168.1 or § 19.2-169.5 shall be paid an additional \$400 for rendering expert assistance to the attorneys regarding the preparation for the trial.

C. If any such expert is required to appear as a witness in any hearing held pursuant to such sections, he shall receive reimbursement for mileage and a fee of \$100 200 for each day during which he is required so to serve, in addition to reimbursement for housing and food if overnight travel is required. The rate for the reimbursement of travel expenses shall be governed by the per diem limits established by the Supreme Court.

D. An itemized account of the type of evaluations performed and expense incurred, duly sworn to, must be presented to the court, and when allowed shall be certified to the Supreme Court for payment out of the state treasury, and be charged against the appropriations made to pay criminal charges. Allowance for the fee and for the per diem authorized shall also be made by order of the court, duly certified to the Supreme Court for payment out of the appropriation to pay criminal charges.

INTRODUCED

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