

VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

CHAPTER 28

An Act to amend and reenact § 19.2-165.1 of the Code of Virginia, relating to reimbursement of medical fees by defendant in certain criminal cases.

[H 1424]

Approved March 16, 2003

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-165.1 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-165.1. Payment of medical fees in certain criminal cases.

All medical fees involved in the gathering of evidence for all criminal cases where medical evidence is necessary to establish a crime has occurred and for cases involving abuse of children under the age of ~~eighteen~~ 18 shall be paid by the Commonwealth out of the appropriation for criminal charges, provided that any medical evaluation, examination, or service rendered be performed by a physician or facility specifically designated by the attorney for the Commonwealth in the city or county having jurisdiction of such case for such a purpose. If no such physician or facility is reasonably available in such city or county, then the attorney for the Commonwealth may designate a physician or facility located outside and adjacent to such city or county.

Where there has been no prior designation of such a physician or facility, *such* medical fees shall be paid out of the appropriation for criminal charges upon authorization by the attorney for the Commonwealth of the city or county having jurisdiction over the case. Such authorization may be granted prior to or within ~~forty-eight~~ 48 hours after the medical evaluation, examination, or service rendered.

Upon conviction of the defendant in any such case, the court shall order that the defendant reimburse the Commonwealth for payment of such medical fees.