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HOUSE BILL NO. 2764

Offered January 17, 2003

A BILL to amend and reenact §§ 17.1-275.5, 18.2-268.8, and 46.2-341.26:8 of the Code of Virginia, relating to fees for driving under the influence conviction.

Patron—Hurt

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 17.1-275.5, 18.2-268.8, and 46.2-341.26:8 of the Code of Virginia are amended and reenacted as follows:

§ 17.1-275.5. Amounts to be added; judgment in favor of the Commonwealth.

A. The clerk shall assess, in addition to the fees provided for by §§ 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or § 17.1-275.9, the following costs:

1. Any amount paid by the Commonwealth for legal representation of the defendant;

2. Any amount paid for trial transcripts;

3. Extradition costs;

4. Costs of psychiatric evaluation;

5. Costs taxed against the defendant as appellant under Rule 5A:30 of the Rules of the Supreme Court;

6. Any fee for a returned check or disallowed credit card charge assessed pursuant to subdivision A. 28. of § 17.1-275;

7. Any jury costs;

8. Any assessment made pursuant to subdivision A. 10. of § 17.1-275;

9. Any ~~blood withdrawal~~ fees as prescribed in §§ 18.2-268.8 and 46.2-341.26:8;

10. Any court costs related to an ignition interlock device;

11. Any fee for testing for HIV;

12. Any fee for processing an individual admitted to jail as prescribed in § 15.2-1613.1; and

13. Any fee for courthouse security personnel as prescribed in § 53.1-120.

B. The total amount of assessments described in subsection A of this section, including the fees provided for by §§ 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or § 17.1-275.9, and no other, shall be forthwith docketed by the clerk as a judgment against the defendant in favor of the Commonwealth.

§ 18.2-268.8. Fees.

Payment for withdrawing blood shall not exceed ~~twenty-five dollars~~\$25, which shall be paid out of the appropriation for criminal charges. If the person whose blood sample was withdrawn is subsequently convicted for a violation of § 18.2-266 or § 18.2-266.1 or of a similar ordinance, or is placed under the purview of a probational, educational, or rehabilitational program as set forth in § 18.2-271.1, the amount charged by the person withdrawing the sample shall be taxed as part of the costs of the criminal case and shall be paid into the general fund of the state treasury.

Approved laboratories determining the alcohol content of the second blood sample shall be allowed a fee not to exceed the amount established on the Division's fee schedule and shall be paid out of the appropriation for criminal charges. ~~Payment for determining the presence of a drug or drugs in the second sample may not exceed the amount established on the Division's fee schedule and shall be paid out of the appropriation for criminal charges.~~

If the person whose blood sample was withdrawn is subsequently convicted for violation of § 18.2-266 or § 18.2-266.1 or a similar ordinance, ~~(i) the fee paid by the Commonwealth to the laboratory for testing the second blood sample and (ii) a fee of twenty-five dollars for testing the first blood sample by the Division~~ shall be taxed as part of the costs of the criminal case and shall be paid into the general fund of the state treasury. ~~Payment for determining the presence of a drug or drugs in the second sample may not exceed the amount established on the Division's fee schedule and shall be paid out of the appropriation for criminal charges.~~

If the person charged with a violation of § 18.2-266 or § 18.2-266.1 or of a similar ordinance is subsequently convicted of such an offense, regardless of whether a breath or blood sample is taken, a fee of \$100 shall be taxed as part of the costs of the criminal case and shall be paid into the general fund of the state treasury.

§ 46.2-341.26:8. Fees.

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60 sample shall be allowed no more than ~~twenty-five dollars~~\$25, which shall be paid out of the
61 appropriation for criminal charges. Payment for determining the presence of a drug or drugs in the
62 second sample may not exceed the amount established on the Division's fee schedule and shall be paid
63 out of the appropriation for criminal charges.

64 If the person whose blood sample was withdrawn is subsequently convicted for violation of
65 § 46.2-341.24 or § 46.2-341.31, any fees paid by the Commonwealth to the person withdrawing the
66 sample and to the laboratory for testing the blood sample shall be taxed as part of the costs of the
67 criminal case and shall be paid into the general fund of the state treasury.

68 *If the person charged with a violation of § 46.2-341.24 or § 46.2-341.31 is subsequently convicted of*
69 *such an offense, regardless of whether a breath or blood sample is taken, a fee of \$100 shall be taxed*
70 *as part of the costs of the criminal case and shall be paid into the general fund of the state treasury.*