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SENATE BILL NO. 1209

Senate Amendments in [] — February 3, 2003

A *BILL to amend and reenact § 19.2-165.1 of the Code of Virginia, relating to medical fees in certain criminal cases to be taxed as costs.*

Patrons Prior to Engrossment—Senator Newman; Delegate: Byron

Referred to Committee for Courts of Justice

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. *All such medical fees shall [, upon conviction,] be taxed as costs to the defendant.*

Where there has been no prior designation of such a physician or facility, 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 *and shall [, upon conviction,] be taxed as costs to the defendant.* Such authorization may be granted prior to or within forty-eight hours after the medical evaluation, examination, or service rendered.

ENGROSSED

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