

## Department of Planning and Budget 2003 Fiscal Impact Statement

**1. Bill Number** SB1209

**House of Origin**      ☐ Introduced      ☐ Substitute      ☐ Engrossed

**Second House**      ☒ In Committee      ☐ Substitute      ☐ Enrolled

**2. Patron** Newman

**3. Committee** Courts of Justice

**4. Title** Medical fees in certain criminal cases to be taxed as costs.

**5. Summary/Purpose:** Provide that upon conviction of the defendant in any case in which medical fees were incurred in the process of gathering evidence, the court shall order that the defendant reimburse the Commonwealth.

**6. Fiscal Impact Estimates are:** See item 8.

**7. Budget amendment necessary:** No.

**8. Fiscal implications:** Currently, medical fees incurred in the course of gathering evidence either (i) to establish whether a crime has occurred or (ii) in cases involving the abuse of children shall be paid out of the Criminal Fund. This legislation requires that, upon conviction of a defendant in a criminal case in which medical fees were incurred in the process of gathering evidence, the court shall order that the defendant reimburse the Commonwealth for the fees incurred.

According to the Supreme Court, during fiscal year 2002, there were 1,977 claims for medical fees submitted by the Commonwealth's attorneys for payment. A total of \$1.4 million was paid out of the Criminal Fund for these claims.

While the proposed legislation offers the prospect of recouping at least some of the monies expended by the Commonwealth for these medical fees, two aspects of the payment of these fees will decrease the total recovery and make it impossible to estimate what the eventual recovery might be.

First, claims for payment are submitted during the investigation phase prior to a court proceeding and not all investigations will result in a criminal proceeding. Some investigations will result in a civil proceeding and some in no proceeding at all. In these situations there can be no criminal conviction and therefore no reimbursement.

Second, the assessment of medical costs against a defendant convicted in a criminal case will not insure reimbursement. Evidence shows that collection rates are lower for more serious offenses.

In summary, while this legislation will have some positive fiscal impact, either on the general fund or as an expenditure refund, it is impossible to estimate the extent of the impact at this time.

**9. Specific agency or political subdivisions affected:** Court System

**10. Technical amendment necessary:** No.

**11. Other comments:** This bill is identical to HB 1424

**Date:** 02/19/2003 TMB

**Document:** F: \tmb\leg03\sb1209e