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## HOUSE BILL NO. 1364

Offered January 9, 2013

Prefiled December 6, 2012

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

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Patrons—Morrissey

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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.**

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, 19.2-182.8, 19.2-182.9, 19.2-264.3:1, 19.2-264.3:3 or 19.2-301, 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 Commonwealth University, shall receive a reasonable fee for such service. For any psychiatrist, clinical psychologist, or other expert appointed by the court to render such professional services who is regularly employed by the Commonwealth of Virginia, except by the University of Virginia School of Medicine or the Medical College of Virginia Commonwealth University, the fee shall be paid only for professional services provided during nonstate hours that have been approved by his employing agency as being beyond the scope of his state employment duties. 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 Behavioral Health and Developmental Services. ~~Except in~~ In capital murder cases, the fee shall be an amount deemed reasonable by the court. In all other cases, the fee shall not exceed \$750, but in provided that, notwithstanding the foregoing limitation, the court in its discretion, and in accordance with guidelines established by the Supreme Court, may waive the limitation of fees up to an additional \$750. In addition, if any such expert is required to appear as a witness in any hearing held pursuant to such sections, he shall receive mileage and a fee of \$100 for each day during which he is required so to serve. An itemized account of expense, 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. A waiver of the fee limitation may be requested by counsel for the defendant which shall be submitted to the court, in writing, with a detailed accounting of the time spent and the justification for the additional amount. The court shall determine, in accordance with guidelines issued by the Supreme Court, whether the request for an additional amount is justified in whole or in part, by considering the time and effort expended by the expert, the novelty and difficulty of the case in which the professional service was rendered, and other circumstances warranting such a waiver. 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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