

LD8724801

SENATE BILL NO. 1053

Offered January 23, 1995

A BILL to amend and reenact § 18.2-268.8 of the Code of Virginia, relating to fees in DUI cases.

Patrons—Quayle, Benedetti, Stolle and Stosch; Delegates: Albo, Rhodes and Way

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-268.8 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-268.8. Fees.**

Payment for withdrawing blood shall not exceed twenty-five dollars, 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 If the person whose blood sample was withdrawn is subsequently convicted for a violation of § 18.2-266 or § 18.2-266.1 or of a similar ordinance, or is placed under the purview of a probational,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 of no more than twenty-five dollars, which 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If the person whose blood sample was withdrawn is subsequently convicted for violation of § 18.2-266 or § 18.2-266.1 or a similar ordinance, (i) the fee paid by the Commonwealth to the laboratory for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.

If the person whose breath was tested is subsequently convicted for violation of § 18.2-266 or § 18.2-266.1 or a similar ordinance, a fee of twenty-five dollars shall be assessed as part of the costs of the criminal case and shall be paid to the Division of Forensic Science within the Department of General Services.

INTRODUCED

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