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SENATE BILL NO. 560

Offered January 22, 1996

A BILL to amend and reenact § 18.2-268.8 of the Code of Virginia, relating to payment for DUI blood tests.

Patron—Quayle

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 for withdrawing blood and sampling for blood alcohol content.

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 If the person whose blood sample was withdrawn is subsequently convicted for a violation of § 18.2-266 or § 18.2-266.1 or of a similar ordinance, or is placed under the purview of a probational,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If the person whose blood sample was withdrawn is subsequently convicted for violation of § 18.2-266 or § 18.2-266.1 or a similar ordinance, (i) the fee paid by the Commonwealth to the laboratory for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 for the purpose of determining blood alcohol content is subsequently convicted for violation of § 18.2-266 or § 18.2-266.1 or a similar ordinance, a fee of twenty-five dollars for testing shall be taxed to him as part of the costs of the criminal case and shall be paid into the state treasury. The Comptroller shall credit such fees as special revenues to the "Breath Test Fund," which is hereby created, for expenditure solely to defray the cost of blood alcohol breath testing. No portion of the special revenues shall revert to the general fund of the Commonwealth at the end of any fiscal year, and all interest or other earnings accrued as a result of the existence of this special fund in the state treasury shall inure to the benefit and credit of the Breath Test Fund.

INTRODUCED

SB560