

1997 SESSION

SENATE SUBSTITUTE

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SENATE BILL NO. 1049

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on January 22, 1997)

(Patron Prior to Substitute—Senator Howell)

A BILL to amend and reenact § 19.2-165.1 of the Code of Virginia, relating to sexual assault; payment of medical expenses.

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 cases involving rape, attempted rape, child molestation, the taking of indecent liberties with children, sodomy, forcible sodomy, incest, inanimate sexual or animate object sexual penetration, sexual battery, marital sexual assault and aggravated sexual battery shall be paid by the Commonwealth out of the appropriation for criminal charges, provided that any medical treatment, 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.

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. Such authorization may be granted prior to or within forty-eight hours after the medical treatment, examination, or service rendered.

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