

VIRGINIA ACTS OF ASSEMBLY -- 1998 SESSION

CHAPTER 455

An Act to amend and reenact § 37.1-89 of the Code of Virginia, relating to fees for court-appointed professionals who participate in adult involuntary commitment proceedings.

[H 596]

Approved April 14, 1998

Be it enacted by the General Assembly of Virginia:

1. That § 37.1-89 of the Code of Virginia is amended and reenacted as follows:

§ 37.1-89. Fees and expenses.

Any special justice as defined in § 37.1-88 and any district court substitute judge who presides over hearings pursuant to the provisions of §§ 37.1-67.1 through 37.1-67.4 shall receive a fee of ~~fifty-seven dollars and fifty cents~~ *eighty-six dollars and twenty-five cents* for each commitment hearing and his necessary mileage. Any special justice and any district court substitute judge who presides over a hearing shall receive a fee of ~~twenty-eight dollars and seventy-five cents~~ *forty-three dollars and twenty-five cents* for each certification hearing and each order under § 37.1-134.21 ruling on competency or treatment and his necessary mileage. Every physician, psychologist or other mental health professional, or interpreter for the deaf appointed pursuant to § 37.1-67.5 who is not regularly employed by the Commonwealth of Virginia who is required to serve as a witness or as an interpreter for the Commonwealth in any proceeding under this chapter shall receive a fee of ~~fifty dollars~~ *seventy-five dollars* and his necessary expenses for each commitment hearing in which he serves. Every physician, psychologist or other mental health professional, or interpreter for the deaf appointed pursuant to § 37.1-67.5 who is not regularly employed by the Commonwealth and who is required to serve as a witness or as an interpreter for the Commonwealth in any proceeding under this chapter shall receive a fee of ~~twenty-five dollars~~ *forty-three dollars and twenty-five cents* and necessary expenses for each certification hearing in which he serves. Other witnesses regularly summoned before a judge under the provisions of this chapter shall receive such compensation for their attendance and mileage as is allowed witnesses summoned to testify before grand juries. Every attorney appointed under § 37.1-65.1 or §§ 37.1-67.1 through 37.1-67.4 shall receive a fee of ~~fifty dollars~~ *seventy-five dollars* and his necessary expenses for each commitment hearing. Every attorney appointed shall receive a fee of ~~twenty-five dollars~~ *forty-three dollars and twenty-five cents* and his necessary expenses for each certification hearing and each proceeding under § 37.1-134.21. Except as hereinafter provided, all expenses incurred, including the fees, attendance and mileage aforesaid, shall be paid by the Commonwealth. Any such fees, costs and expenses incurred in connection with an examination or hearing for an admission pursuant to § 37.1-65.1 or §§ 37.1-67.1 through 37.1-67.4 in carrying out the provisions of this chapter or in connection with a proceeding under § 37.1-134.21, when paid by the Commonwealth, shall be recoverable by the Commonwealth from the person who is the subject of the examination, hearing or proceeding, or from his estate. Such collection or recovery may be undertaken by the Department. All such fees, costs and expenses, if collected or recovered by the Department, shall be refunded to the Commonwealth. No such fees or costs shall be recovered, however, from the person who is the subject of the examination or his estate when no good cause for his admission exists or when the recovery would create an undue financial hardship.