

VIRGINIA ACTS OF ASSEMBLY -- 1999 SESSION

CHAPTER 853

An Act to amend and reenact § 19.2-165.1 of the Code of Virginia, relating to payment of medical fees in certain criminal cases.

[S 1159]

Approved March 29, 1999

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 *all* cases involving rape, attempted rape, child molestation, the taking of indecent liberties with children, sodomy, forcible sodomy, incest, inanimate or animate object sexual penetration, sexual battery, marital sexual assault and aggravated sexual battery, *and all medical fees involved in the gathering of evidence for cases involving abuse of children under the age of eighteen including but not limited to aggravated malicious wounding, malicious wounding, felony child abuse, reckless endangerment, cruelty to children, assault and battery, domestic assault and battery, and homicide*, shall be paid by the Commonwealth out of the appropriation for criminal charges, provided that any medical ~~treatment~~ *evaluation*, 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~~ *evaluation*, examination, or service rendered.