

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 37.2-804 of the Code of Virginia, relating to special justices and*
3 *independent evaluator fees; emergency custody and voluntary and involuntary civil admissions.*

4 [H 125]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 37.2-804 of the Code of Virginia is amended and reenacted as follows:**8 **§ 37.2-804. Fees and expenses.**

9 A. Any special justice, *any* retired judge sitting by designation pursuant to § 16.1-69.35, or any
10 district court substitute judge who presides over hearings pursuant to the provisions of §§ 37.2-809
11 through 37.2-820, Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, or § 19.2-169.6 shall
12 receive a fee of ~~\$86.25~~ \$120 for each hearing thereunder plus his necessary *expenses, including* mileage,
13 parking, tolls, and postage, and ~~\$43.25~~ \$70 for each certification hearing and each order under Chapter
14 11 (§ 37.2-1100 et seq.) ruling on competency or treatment plus his necessary *expenses, including*
15 mileage, parking, tolls, and postage.

16 B. Any physician, psychologist or other mental health professional, or any interpreter, appointed
17 pursuant to § 37.2-802 for persons who are deaf, who is not regularly employed by the Commonwealth
18 and is required to serve as a witness or as an interpreter in any proceeding under this chapter or
19 § 19.2-169.6 shall receive a fee of ~~\$75~~ \$120 and his necessary expenses for each commitment hearing
20 for involuntary admission in which he serves and ~~\$43.25~~ \$70 and necessary expenses for each
21 certification hearing in which he serves.

22 C. Other witnesses regularly summoned before a judge or special justice under the provisions of this
23 chapter shall receive the compensation for their attendance and mileage that is allowed witnesses
24 summoned to testify before grand juries.

25 D. Every attorney appointed under § 37.2-806 or §§ 37.2-809 through 37.2-820 shall receive a fee of
26 \$120 and his necessary expenses for each hearing thereunder and \$70 and his necessary expenses for
27 each certification hearing and each proceeding under Chapter 11 (§ 37.2-1100 et seq.).

28 E. Except as hereinafter provided, all expenses incurred, including the fees, attendance, and mileage
29 aforesaid, shall be paid by the Commonwealth. When any such fees, costs, and expenses, incurred in
30 connection with an examination or hearing for an admission pursuant to § 37.2-806 or §§ 37.2-809
31 through 37.2-820, to carry out the provisions of this chapter or in connection with a proceeding under
32 Chapter 11 (§ 37.2-1100 et seq.) or § 19.2-169.6, are paid by the Commonwealth, they shall be
33 recoverable by the Commonwealth from the person who is the subject of the examination, hearing, or
34 proceeding or from his estate. Collection or recovery may be undertaken by the Department. When the
35 fees, costs, and expenses are collected or recovered by the Department, they shall be refunded to the
36 Commonwealth. No fees or costs shall be recovered, however, from the person who is the subject of the
37 examination or hearing or his estate when no good cause for his admission exists or when the recovery
38 would create an undue financial hardship.

ENROLLED

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