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# A BILL FOR AN ACT

RELATING TO SUBPOENAS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 621-7, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3           "**§621-7 Fees; criminal cases.** (a) Every witness legally  
4 required to attend a state court or grand jury in any criminal  
5 case, other than a public officer or employee, shall be entitled  
6 to \$20 for each day's attendance and a reasonable mileage fee to  
7 be established pursuant to rules adopted by the judiciary for  
8 each mile actually and necessarily traveled on the ground each  
9 way, including travel to and from the nearest airport when  
10 required to travel from another island or from outside the  
11 State. In addition to witness' fees, every witness, who attends  
12 a state court from outside the State shall be entitled to the  
13 actual round-trip cost of plane travel, plus \$110 per twenty-  
14 four-hour day, or if from any island other than that on which  
15 the court holds session, shall be entitled to the actual round-  
16 trip cost of plane travel, plus \$55 per twenty-four-hour day,  
17 which amounts shall cover all personal expenses, such as board



1 and lodging. These per diem payments shall be computed on the  
2 basis of quarter day periods of time.

3 (b) Any police officer or other public officer or employee  
4 (except the county attorney, prosecuting attorney, or deputy  
5 county attorney or deputy prosecuting attorney), who attends a  
6 state court as a witness from a district other than that in  
7 which the court is holding session, shall be allowed the police  
8 officer's, public officer's, or employee's travel cost and  
9 mileage fees as provided in this section. A public officer or  
10 employee, if not salaried, shall receive witness fees.

11 (c) If a police officer is served a subpoena and compelled  
12 to be available for any length of time to attend and testify as  
13 a witness for the State, the officer shall be entitled to  
14 overtime compensation whenever the officer performs this  
15 function in an official capacity as a police officer during off-  
16 duty periods; provided that a collective bargaining agreement  
17 allows for overtime pay when serving as a witness for the State.  
18 The State shall reimburse the county for fifty per cent of  
19 overtime compensation paid pursuant to this subsection. Fixed  
20 trial dates shall be assigned whenever possible to prevent undue  
21 hardships from subpoenas."



1 SECTION 2. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun, before its effective date.

4 SECTION 3. New statutory material is underscored.

5 SECTION 4. This Act shall take effect on July 1, 2050.



HB 315 HD1

**Report Title:**

Subpoena; Police Overtime Compensation

**Description:**

Entitles a police officer, whose collective bargaining agreement allows for overtime pay, who testifies or is compelled to be available as a state witness under a subpoena in an official capacity as a police officer when off-duty to overtime compensation. Requires the State to reimburse the counties for 50% of overtime compensation paid. (HB315 HD1)

