

JAN 20 2010

S.B. NO. 2180

---

---

## 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~~] witness'  
11 fees.

12 (c) If a police officer is served a subpoena and is  
13 compelled to be available for any length of time to attend and  
14 testify as a witness for the State, the officer shall be  
15 entitled to overtime compensation whenever the officer performs  
16 this function during off-duty periods. The compensation shall  
17 be provided for the undue hardships of remaining available and  
18 disruptions of the officer's personal life. The State shall  
19 reimburse the county fifty per cent of overtime compensation of  
20 police officers being served subpoenas."

21 SECTION 2. New statutory material is underscored.



# S.B. NO. 2180

1 SECTION 3. 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 4. This Act shall take effect upon its approval.  
5

INTRODUCED BY: \_\_\_\_\_

  
BY REQUEST



**Report Title:**

Police Officers; Subpoenas

**Description:**

Authorizes overtime compensation for police officers who are subpoenaed to serve as a witness for the State during off-duty periods. Requires the State to reimburse the county 50% of the overtime compensation.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

