

JAN 20 2010

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# A BILL FOR AN ACT

RELATING TO WITNESSES.

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

1           SECTION 1. The legislature finds that the per diem amount  
2 for out-of-state witnesses has remained static for a number of  
3 years. This amount is no longer sufficient to pay the personal  
4 expenses of out-of-state witnesses, such as lodging and food.  
5 Often these individuals are forced to take money out of their  
6 own pockets to cover necessary personal expenses when subpoenaed  
7 to return to the State as a witness in state court proceedings.  
8 Because the per diem amount has not been adjusted to keep pace  
9 with the cost of living in Hawaii, it has emerged as an economic  
10 "barrier" that either discourages or prevents an out-of-state  
11 witness from pursuing charges against offenders due to economic  
12 considerations. Further, the legislature also finds that the  
13 per diem amount for witnesses that are required to travel to an  
14 island is also not sufficient to cover the personal expenses  
15 when that witness is required to stay overnight.

16           The purpose of this Act is to increase the amount of per  
17 diem for out-of-state witnesses as well as make available



1 additional amounts of per diem for a witness who must travel to  
2 another island, if that witness is required to stay overnight.

3 SECTION 2. Section 621-7, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) Every witness legally required to attend a state  
6 court or grand jury in any criminal case, other than a public  
7 officer or employee, shall be entitled to \$20 for each day's  
8 attendance and a reasonable mileage fee to be established  
9 pursuant to rules adopted by the judiciary for each mile  
10 actually and necessarily traveled on the ground each way,  
11 including travel to and from the nearest airport when required  
12 to travel from another island or from outside the State.

13 In addition to witness' fees, every witness~~[, who]~~:

14 (1) Who attends a state court from outside the State shall  
15 be entitled to the actual round-trip cost of plane  
16 travel, plus ~~[\$110]~~ \$145 per twenty-four-hour day~~[, or~~  
17 ~~if]~~; or

18 (2) Who attends from any island other than that on which  
19 the court holds session, shall be entitled to the  
20 actual round-trip cost of plane travel, plus \$55 per  
21 twenty-four-hour day~~[, which amounts]~~;



1 provided that when the witness is required to stay overnight,  
 2 the witness shall be entitled to an additional \$90 per twenty-  
 3 four-hour day. These per diem payments shall cover all personal  
 4 expenses, such as board and lodging[. ~~These per diem payments~~]  
 5 and shall be computed on the basis of quarter day periods of  
 6 time."

7 SECTION 3. Statutory material to be repealed is bracketed  
 8 and stricken. New statutory material is underscored.

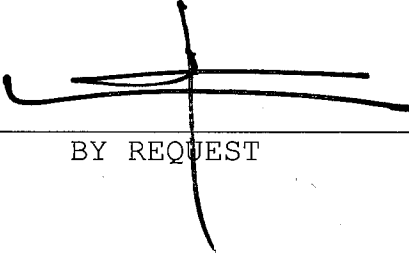
9 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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BY REQUEST




**Report Title:**

Witness in Criminal Cases; Per Diem Payments

**Description:**

Increases the per diem payments for out-of-state witnesses in criminal cases from \$110 to \$145. Provides an additional \$90 per diem payment for witnesses from any island other than the island on which the court is located, when that witness is required to stay overnight.

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