

DEPARTMENT OF THE PROSECUTING ATTORNEY  
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**THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR**  
**HOUSE JUDICIARY COMMITTEE**  
**Twenty-Sixth State Legislature**  
**Regular Session of 2011**  
**State of Hawai'i**

Thursday, February 3, 2011

RE: H.B. 245; RELATING TO WITNESSES.

Chair Keith-Agaran, Vice Chair Rhoads, and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney submits the following testimony in support of H.B. 245.

The purpose of this bill is to support and encourage witnesses to pursue charges against offenders of our criminal laws. In 1989, the legislature added per diem stipends for out-of-state witnesses; however, the amount has remained the same since, for almost twenty-two years. This amount is no longer sufficient to pay the personal expenses of out-of-state witnesses, such as lodging and food. Often these individuals are forced to take money out of their own pockets to cover necessary personal expenses when subpoenaed to return to the state as a witness in state court proceedings. Because the per diem stipend amount has not been adjusted to keep pace with the cost of living in Hawaii, it has emerged as an economic "barrier" that either discourages or prevents an out-of-state witness from pursuing charges against offenders due to economic considerations. Further, the Department of the Prosecuting Attorney finds that the per diem stipend amount for witnesses that are required to travel to a different island within the State is also not sufficient to cover the witness' personal expenses when that witness is required to stay overnight.

This measure increases the amount of per diem stipends for out-of-state witnesses from \$110 to \$145 per 24-hour day and makes available for a witness who must travel to another island within the State, an additional amount of \$90 per 24-hour day to the current \$55 per 24-hour day if that witness is required to stay overnight. The Department of the Prosecuting Attorney strongly supports the passage of H.B. 245. Thank you for this opportunity to testify.