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

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



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

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

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

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

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

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



1 amounts]; provided that when the witness is required
2 to stay overnight, the witness shall be entitled to an
3 additional \$90 per twenty-four-hour day.

4 These per diem payments shall cover all personal expenses, such
5 as board and lodging [~~These per diem payments~~] and shall be
6 computed on the basis of quarter day periods of 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 on July 1, 2012.



Report Title:

Witnesses 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. (SD1)

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