

JAN 18 2013

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.

9 Because the per diem stipend amount has not been adjusted
10 to keep pace with the cost of living in Hawaii, it has emerged
11 as an economic "barrier" that either discourages or prevents an
12 out-of-state witness from pursuing charges against offenders due
13 to economic considerations. Further, the legislature also finds
14 that the per diem stipend amount for witnesses that are required
15 to travel to a different island is also not sufficient to cover
16 the witness' personal expenses when that witness is required to
17 stay overnight.



1 The purpose of this Act is to increase the amount of per
 2 diem stipends for out-of-state witnesses as well as make
 3 available additional amounts of per diem stipends for a witness
 4 who must travel to another island, if that witness is required
 5 to stay overnight.

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

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

16 In addition to witness' fees, every witness[~~7~~who]:

17 (1) Who attends a state court from outside the State shall
 18 be entitled to the actual round-trip cost of plane
 19 travel, plus [~~\$110~~] \$145 per twenty-four-hour day[~~7~~];
 20 or [~~if~~]

21 (2) Who attends a state court from any island in the State
 22 other than that on which the court holds session[~~7~~]



1 shall be entitled to the actual round-trip cost of
2 plane travel, plus \$55 per twenty-four-hour day[~~r~~
3 ~~which amounts~~]; provided that when the witness is
4 required to stay overnight, the witness shall be
5 entitled to an additional \$90 per twenty-four-hour
6 day.

7 These per diem payments shall cover all personal expenses, such
8 as board and lodging[~~. These per diem payments~~] and shall be
9 computed on the basis of quarter day periods of time."

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

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

13

INTRODUCED BY: *James Inescato Kim*

By Request



S.B. NO. 419

Report Title:

Honolulu Prosecutor Package; Witnesses in Criminal Cases; Per Diem Payments

Description:

Amends section 621-7, HRS, to increase 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.

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

