



GOV. MSG. NO. 1261

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 29, 2016

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Eighth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Eighth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 29, 2016, the following bill was signed into law:

SB2106 HD1 CD1

RELATING TO WITNESSES
ACT 159 (16)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

Approved by the Governor

on JUN 29 2016
THE SENATE
TWENTY-EIGHTH LEGISLATURE, 2016
STATE OF HAWAII

ACT 159
S.B. NO. 2106
H.D. 1
C.D. 1

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 increased slightly in 2014,
3 after remaining static for many years. Because the per diem
4 stipend amount has not been adjusted to keep pace with actual
5 cost of overnight expenses in Hawaii, including the cost of
6 lodging or food, it has emerged as an economic barrier that
7 either discourages or prevents an out-of-state witness from
8 pursuing charges against offenders due to economic
9 considerations. Often these individuals are forced to take
10 money out of their own pockets to cover necessary personal
11 expenses when subpoenaed to return to the State as a witness in
12 state court proceedings. The legislature also finds that the
13 per diem stipend amount for witnesses that are required to
14 travel to a different island is also not sufficient to cover the
15 witness' personal expenses when that witness is required to stay
16 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:

- 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 [~~\$145~~] \$200 per twenty-four-hour day; or
- 18 (2) Who attends a state court from any island in the State
- 19 other than that on which the court holds session shall
- 20 be entitled to the actual round-trip cost of plane
- 21 travel, plus \$55 per twenty-four-hour day; provided



1 that when the witness is required to stay overnight,
2 the witness shall be entitled to an additional [~~\$90~~]
3 \$145 per twenty-four-hour day.

4 These per diem payments shall cover all personal expenses, such
5 as board and lodging, and shall be computed on the basis of
6 quarter day periods of time."

7 SECTION 3. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 4. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect upon its approval.

APPROVED this 29 day of JUN, 2016



GOVERNOR OF THE STATE OF HAWAII