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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 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.



**Report Title:**

Honolulu Prosecuting Attorney Package; Witnesses in Criminal Cases; Per Diem Payments

**Description:**

Increases the per diem payments for out-of-state witnesses in criminal cases. Increases the per diem payment supplement for witnesses from any island other than the island on which the court is located, when that witness is required to stay overnight. (CD1)

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