

JAN 24 2019

A BILL FOR AN ACT

RELATING TO EXPERT WITNESS FEES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 621-7, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§621-7 Fees; criminal cases.** (a) [~~Every~~] Except as
4 provided in subsection (c), every witness legally required to
5 attend a state court or grand jury in any criminal case, other
6 than a public officer or employee, shall be entitled to \$20 for
7 each day's attendance and a reasonable mileage fee to be
8 established pursuant to rules adopted by the judiciary for each
9 mile actually and necessarily traveled on the ground each way,
10 including travel to and from the nearest airport when required
11 to travel from another island or from outside the State.

12 In addition to witness' fees, every witness:

13 (1) Who attends a state court from outside the State shall
14 be entitled to the actual round-trip cost of plane
15 travel, plus \$200 per twenty-four-hour day; or

16 (2) Who attends a state court from any island in the State
17 other than that on which the court holds session shall



1 be entitled to the actual round-trip cost of plane
2 travel, plus \$55 per twenty-four-hour day; provided
3 that when the witness is required to stay overnight,
4 the witness shall be entitled to an additional \$145
5 per twenty-four-hour day.

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

9 (b) Any police officer or other public officer or employee
10 (except the county attorney, prosecuting attorney, or deputy
11 county attorney or deputy prosecuting attorney), who attends a
12 state court as a witness from a district other than that in
13 which the court is holding session, shall be allowed the police
14 officer's, public officer's, or employee's travel cost and
15 mileage fees as provided in this section. A public officer or
16 employee, if not salaried, shall receive witness fees.

17 (c) Every expert witness legally required to attend a
18 state court or grand jury in any criminal case, other than a
19 public officer or employee, shall be entitled to reasonable
20 applicable fees associated with the expert's testimony,



1 consultation, and preparation associated with the expert's
2 testimony and attendance in court.

3 In addition, every expert witness:

4 (1) Who attends a state court from outside the State shall
5 be entitled to the actual round-trip cost of plane
6 travel, plus \$200 per twenty-four-hour day; or

7 (2) Who attends a state court from any island in the State
8 other than that on which the court holds session shall
9 be entitled to the actual round-trip cost of plane
10 travel, plus \$55 per twenty-four-hour day; provided
11 that when the witness is required to stay overnight,
12 the witness shall be entitled to an additional \$145
13 per twenty-four-hour day.

14 These per diem payments shall cover all personal expenses,
15 including board and lodging, and shall be computed on the basis
16 of quarter-day periods of time.

17 (d) As used in this section, "expert witness" includes any
18 witness subpoenaed on behalf of the State in a criminal case, or
19 on behalf of a defendant at the expense of the State in a
20 criminal case, who is subpoenaed for the expert's specialized
21 knowledge, skill, experience, training, or education to assist a



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1 grand jury, trial jury, or judge to understand the evidence or
2 determine a fact at issue in the case."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

Thomas R. Brown

M.S.



S.B. NO. 1160

Report Title:

Witness Fees; Reimbursements; Per Diem Payments

Description:

Clarifies applicable expert witness fees for testimony, preparation, per diem, and in-court attendance in state court criminal proceedings.

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

