

JAN 17 2020

A BILL FOR AN ACT

RELATING TO WITNESS FEES AND REIMBURSEMENTS IN CRIMINAL CASES.

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 who is legally required to attend
18 a state court or grand jury in any criminal case, other than a
19 public officer or public employee, shall be entitled to
20 reasonable applicable fees associated with the testimony,
21 consultation, and preparation associated with the expert's



1 attendance in court. Additionally, every expert witness who
2 attends a state court from:

3 (1) Outside the State shall be entitled to the actual
4 round-trip airfare, plus \$200 per twenty-four-hour
5 day; or

6 (2) Any island in the State other than the island on which
7 the court holds session shall be entitled to the
8 actual round-trip airfare, plus \$55 per twenty-
9 four-hour day; provided that when the expert witness
10 is required to stay overnight, the expert witness
11 shall be entitled to an additional \$145 per twenty-
12 four-hour day.

13 Any per diem payment made pursuant to this subsection shall
14 cover all personal expenses, including board and lodging, and
15 shall be computed on the basis of quarter-day periods of time.

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



S.B. NO. 2189

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: *Mark D. ...*
By Request



S.B. NO. 2189

Report Title:

Honolulu Prosecuting Attorney Package; Expert Witness Fees; Reimbursements; Per Diem Payments

Description:

Clarifies applicable reimbursement to State or defendant for expert witness fees, as it pertains to testimony, preparation, 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.

