

JAN 22 2021

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# A BILL FOR AN ACT

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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~~[+]~~ who attends  
13 a state court from:

14       (1) ~~[Who attends a state court from outside]~~ Outside the  
15 State shall be entitled to the actual round-trip cost  
16 of plane travel, plus ~~[\$200]~~ \$250 per twenty-four-hour  
17 day; or



1           (2) ~~[Who attends a state court from any]~~ Any island in the  
2           State other than that on which the court holds session  
3           shall be entitled to the actual round-trip cost of  
4           plane travel, plus \$55 per twenty-four-hour day;  
5           provided that when the witness is required to stay  
6           overnight, the witness shall be entitled to an  
7           additional ~~[\$145]~~ \$195 per twenty-four-hour day.  
8   ~~[These]~~ Any per diem ~~[payments]~~ payment made pursuant to this  
9   subsection shall cover all personal expenses, such as board and  
10   lodging, and shall be computed on the basis of ~~[quarter-day]~~  
11   quarter-day periods of time.

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

20           (c) Every expert witness legally required to attend a  
21   state court or grand jury in any criminal case, other than a



1 public officer or employee, shall be entitled to reasonable  
2 applicable fees for the testimony, consultation, and preparation  
3 associated with the expert's testimony and attendance in court.

4 In addition, every expert witness who attends a state court  
5 from:

6 (1) Outside the State shall be entitled to the actual  
7 round-trip cost of plane travel, plus \$250 per twenty-  
8 four-hour day; or

9 (2) Any island in the State other than that on which the  
10 court holds session shall be entitled to the actual  
11 round-trip cost of plane travel, plus \$55 per twenty-  
12 four-hour day; provided that when the witness is  
13 required to stay overnight, the witness shall be  
14 entitled to an additional \$195 per twenty-four-hour  
15 day.

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

19 (d) As used in this section, "expert witness" includes any  
20 witness subpoenaed on behalf of the State in a criminal case, or  
21 on behalf of a defendant at the expense of the State in a



1 criminal case, who is subpoenaed for the witness' specialized  
2 knowledge, skill, experience, training, or education to assist a  
3 grand jury, trial jury, or judge to understand the evidence or  
4 determine a fact at issue in the case."

5 SECTION 2. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 3. This Act shall take effect upon its approval  
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INTRODUCED BY: \_\_\_\_\_

*Handwritten signature*

By Request



# S.B. NO. 416

**Report Title:**

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

**Description:**

Clarifies applicable reimbursement to the State or defendant for expert witness fees, as it pertains to testimony, preparation and in-court attendance in state court criminal proceedings. Increases per diem payments for all witnesses.

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

