

JAN 16 2025

A BILL FOR AN ACT

RELATING TO WITNESS FEES.

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

1 SECTION 1. The legislature finds that the ability to call
2 upon witnesses is an important factor in whether justice can
3 effectively be served. The fee currently paid to witnesses has
4 never been raised from \$4. The federal government and several
5 states pay and reimburse witnesses at higher rates than existing
6 law in the State permits.

7 Accordingly, the purpose of this Act is to:

- 8 (1) Increase the fees paid to witnesses in civil and
9 criminal trials;
- 10 (2) Change the fees paid for travel expenses from 20 cents
11 a mile to the mileage allowance prescribed by the
12 Administrator of General Services; and
- 13 (3) Authorize reimbursement to witnesses in civil trials
14 for use of common carriers.

15 SECTION 2. Section 607-12, Hawaii Revised Statutes, is
16 amended to read as follows:



1 "~~S607-12~~ **Witnesses' fees, mileage; taxation.** [~~+~~](a)[~~+~~]

2 The fees of witnesses shall be as follows: Every witness
3 attending and testifying, or subpoenaed and attending, upon the
4 trial of any civil cause, in any court, shall be paid the sum of
5 ~~[\$4]~~:

6 (1) \$30 for each day's attendance in court~~[, and~~
7 ~~traveling]~~;

8 (2) Traveling expenses [at the rate of 20 cents a mile
9 ~~each way.] equal to the mileage allowance which the
10 Administrator of General Services has prescribed,
11 pursuant to title 5 United States Code section 5704;
12 and~~

13 (3) The actual expenses of travel by common carrier on the
14 basis of the means of transportation reasonably
15 utilized and the distance necessarily traveled to and
16 from the witness's residence by the shortest practical
17 route in going to and returning from the place of
18 attendance; provided that the witness shall utilize a
19 common carrier at the most economical rate reasonably
20 available; provided further that the witness shall
21 furnish a receipt or other evidence of actual cost.



1 (b) Every [~~such~~] witness, coming to attend upon court from
2 any island other than that upon which the court is holding
3 session, shall be entitled to [~~\$6~~]:

4 (1) \$36 for each day's attendance [~~in addition to the~~];

5 (2) The actual round trip cost of plane or ship travel
6 [~~and 20 cents for each mile actually and necessarily~~
7 ~~traveled on the ground each way.~~];

8 (3) Traveling expenses equal to the mileage allowance
9 which the Administrator of General Services has
10 prescribed, pursuant to title 5 United States Code
11 section 5704; and

12 (4) The actual expenses of travel by common carrier on the
13 basis of the means of transportation reasonably
14 utilized and the distance necessarily traveled to and
15 from the witness's residence by the shortest practical
16 route in going to and returning from the place of
17 attendance; provided that the witness shall utilize a
18 common carrier at the most economical rate reasonably
19 available; provided further that the witness shall
20 furnish a receipt or other evidence of actual cost.



1 ~~[(b)]~~ (c) The fees of witnesses may be taxed in the bill
2 of costs as provided by section 607-9."

3 SECTION 3. Section 621-7, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) Except as provided in subsection (c), every witness
6 legally required to attend a state court or grand jury in any
7 criminal case, other than a public officer or employee, shall be
8 entitled to [~~\$20~~] \$40 for each day's attendance and a reasonable
9 mileage fee to be established pursuant to rules adopted by the
10 judiciary for each mile actually and necessarily traveled on the
11 ground each way, including travel to and from the nearest
12 airport when required to travel from another island or from
13 outside the State.

14 In addition to witness' fees, every witness who attends a
15 state court from:

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

19 (2) Any island in the State other than that on which the
20 court holds session shall be entitled to the actual
21 round-trip cost of plane travel, plus \$55 per twenty-



1 four-hour day; provided that when the witness is
2 required to stay overnight, the witness shall be
3 entitled to an additional \$195 per twenty-four-hour
4 day.

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

8 SECTION 4. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

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

11

INTRODUCED BY:

Paul Rhoads



S.B. NO. 428

Report Title:

Witness Fees; Mileage; Increase

Description:

Increases the fees paid to witnesses in civil and criminal trials. Changes the fees paid for travel expenses from 20 cents a mile to the mileage allowance prescribed by the Administrator of General Services. Authorizes reimbursement to witnesses in civil trials for use of common carriers.

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

