

JAN 21 2016

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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 was increased slightly in  
3 2014, after remaining static for many years. Because the per  
4 diem stipend amount has not been adjusted to keep pace with  
5 actual cost of overnight expenses in Hawaii, including the cost  
6 of 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. Further, the legislature also finds  
13 that the per diem stipend amount for witnesses that are required  
14 to travel to a different island is also not sufficient to cover  
15 the witness' personal expenses when that witness is required to  
16 stay overnight.



# S.B. NO. 2106

1           The purpose of this Act is to increase the amount of per  
2 diem stipends for out-of-state witnesses as well as make  
3 available additional amounts of per diem stipends for a witness  
4 who must travel to another island, if that witness is required  
5 to stay overnight.

6           SECTION 2. Section 621-7, Hawaii Revised Statutes, is  
7 amended by amending subsection (a) to read as follows:

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

16           In addition to witness' fees, every witness:

- 17           (1) Who attends a state court from outside the State shall  
18           be entitled to the actual round-trip cost of plane  
19           travel, plus [~~\$145~~] \$200 per twenty-four-hour day; or  
20           (2) Who attends a state court from any island in the State  
21           other than that on which the court holds session shall



# S.B. NO. 2106

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 [~~\$90~~  
 5           \$145 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           SECTION 3. This Act does not affect rights and duties that  
 10   matured, penalties that were incurred, and proceedings that were  
 11   begun before its effective date.

12          SECTION 4. Statutory material to be repealed is bracketed  
 13   and stricken. New statutory material is underscored.

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

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INTRODUCED BY:           *M.M.B. M.*            
 BY REQUEST



# S.B. NO. 2106

**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 from \$145 to \$200. Increases the per diem payment supplement from \$90 to \$145, for witnesses from any island other than the island on which the court is located, when that witness is required to stay overnight.

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

