

---

---

# A BILL FOR AN ACT

RELATING TO SUBPOENAS.

**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 witness legally  
4 required to attend a state court or grand jury in any criminal  
5 case, other than a public officer or employee, shall be entitled  
6 to \$20 for each day's attendance and a reasonable mileage fee to  
7 be established pursuant to rules adopted by the judiciary for  
8 each mile actually and necessarily traveled on the ground each  
9 way, including travel to and from the nearest airport when  
10 required to travel from another island or from outside the  
11 State. In addition to witness' fees, every witness[7] who  
12 attends a state court from outside the State shall be entitled  
13 to the actual round-trip cost of plane travel, plus \$110 per  
14 twenty-four-hour day, or if from any island other than that on  
15 which the court holds session, shall be entitled to the actual  
16 round-trip cost of plane travel, plus \$55 per twenty-four-hour  
17 day, which amounts shall cover all personal expenses, such as



1 board and lodging. These per diem payments shall be computed on  
2 the basis of quarter day periods of time.

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

11 (c) If a police officer is served a subpoena and compelled  
12 to be available for any length of time to attend and testify as  
13 a witness for the State, the officer shall be entitled to  
14 overtime compensation whenever the officer performs this  
15 function during off-duty periods. The compensation shall be  
16 provided for the undue hardships of remaining available and  
17 disruptions to the officer's personal life. The State shall  
18 reimburse the county for fifty per cent of overtime compensation  
19 paid pursuant to this subsection. Fixed trial dates shall be  
20 assigned whenever possible to prevent undue hardships from  
21 subpoenas."



1 SECTION 2. There is appropriated out of the general  
 2 revenues of the State of Hawaii the sum of \$ , or so much  
 3 thereof as may be necessary for fiscal year 2007-2008, and the  
 4 same sum, or so much thereof as may be necessary for fiscal year  
 5 2008-2009, for grants-in-aid to the several counties for payment  
 6 of overtime compensation to police officers served a subpoena  
 7 and compelled to be available for any length of time to attend  
 8 and testify as a witness for the State during off-duty periods.  
 9 The specific amounts appropriated for each county shall be as  
 10 follows:

- 11 1. City and County of Honolulu \$
- 12 2. County of Hawaii \$
- 13 3. County of Kauia \$
- 14 4. County of Maui \$

15 The sums appropriated shall be expended by the counties for  
 16 the purposes of this Act.

17 SECTION 3. This Act does not affect rights and duties that  
 18 matured, penalties that were incurred, and proceedings that were  
 19 begun, before its effective date.

20 SECTION 4. New statutory material is underscored.



1 SECTION 5. This Act shall take effect on July 1, 2007.

2

INTRODUCED BY: Kirk Caldwell

Tony White

Mel Carroll

Paul Green

Celina K. Ay

JAN 19 2007



**Report Title:**

Subpoena; Police Overtime Compensation

**Description:**

Entitles a police officer to overtime compensation when the officer testifies or is compelled to be available as a state witness under a subpoena when off-duty. Requires the State to reimburse the counties for 50% of overtime compensation paid.

