

JAN 19 2018

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# A BILL FOR AN ACT

RELATING TO EXPERT WITNESS FEES.

**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 for in subsection (c), every witness legally required  
5 to attend a state court or grand jury in any criminal case,  
6 other than a public officer or employee, shall be entitled to  
7 \$20 for 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 legally required to attend a  
18 state court or grand jury in any criminal case, other than a  
19 public officer or employee, shall be entitled to applicable fees  
20 associated with the expert's testimony, consultation, and  
21 preparation associated with the expert's testimony, and



1 attendance in court. "Expert witness" as used in this  
2 subsection includes any witness subpoenaed on behalf of the  
3 State in a criminal case, or on behalf of a defendant at the  
4 expense of the State in a criminal case, who is subpoenaed for  
5 the expert's specialized knowledge, skill, experience, training,  
6 or education to assist a grand jury, trial jury, or judge in  
7 their understanding of the evidence or to determine a fact at  
8 issue in the case.

9 In addition, every expert witness:

- 10 (1) Who attends a state court from outside the State shall  
11 be entitled to the actual round-trip cost of plane  
12 travel, plus \$200 per twenty-four-hour day; or  
13 (2) Who attends a state court from any island in the State  
14 other than that on which the court holds session,  
15 shall be entitled to the actual round-trip cost of  
16 plane travel, plus \$55 per twenty-four-hour day;  
17 provided that when the witness is required to stay  
18 overnight, the witness shall be entitled to an  
19 additional \$145 per twenty-four-hour day.



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1 These per diem payments shall cover all personal expenses, such  
2 as board and lodging, and shall be computed on the basis of  
3 quarter day periods of time."

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 Statutory material to be repealed is bracketed  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

6 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:   
By Request



# S.B. NO. 2172

**Report Title:**

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

**Description:**

Clarifies applicable expert witness fees for 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.*

