

ACT 98

S.B. NO. 416

A Bill for an Act Relating to Witness Fees and Reimbursements in Criminal Cases.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 621-7, Hawaii Revised Statutes, is amended to read as follows:

“§621-7 Fees; criminal cases. (a) ~~[Every]~~ Except as provided in subsection (c), every witness legally required to attend a state court or grand jury in any criminal case, other than a public officer or employee, shall be entitled to \$20 for each day's attendance and a reasonable mileage fee to be established pursuant to rules adopted by the judiciary for each mile actually and necessarily traveled on the ground each way, including travel to and from the nearest airport when required to travel from another island or from outside the State.

In addition to witness' fees, every witness[;] who attends a state court from:

- (1) ~~[Who attends a state court from outside]~~ Outside the State shall be entitled to the actual round-trip cost of plane travel, plus ~~[\$200]~~ \$250 per twenty-four-hour day; or
- (2) ~~[Who attends a state court from any]~~ Any island in the State other than that on which the court holds session shall be entitled to the actual round-trip cost of plane travel, plus \$55 per twenty-four-hour day; provided that when the witness is required to stay overnight, the witness shall be entitled to an additional ~~[\$145]~~ \$195 per twenty-four-hour day.

~~[These]~~ Any per diem [payments] payment made pursuant to this subsection shall cover all personal expenses, [such as] including board and lodging, and shall be computed on the basis of [quarter-day] quarter-day periods of time.

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

(c) Every expert witness legally required to attend a state court or grand jury in any criminal case, other than a public officer or employee, shall be entitled to reasonable applicable fees for the testimony, consultation, and preparation associated with the expert witness' testimony and attendance in court.

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

- (1) Outside the State shall be entitled to the actual round-trip cost of plane travel, plus \$250 per twenty-four-hour day; or
- (2) Any island in the State other than that on which the court holds session shall be entitled to the actual round-trip cost of plane travel, plus \$55 per twenty-four-hour day; provided that when the expert witness is required to stay overnight, the expert witness shall be entitled to an additional \$195 per twenty-four-hour day.

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

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

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

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

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

(Approved June 17, 2022.)