

## ACT 153

S.B. NO. 428

A Bill for an Act Relating to Witness Fees.

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

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

Accordingly, the purpose of this Act is to:

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

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

**“§607-12 Witnesses’ fees, mileage; taxation.** ~~[(a)]~~ The fees of witnesses shall be as follows: Every witness attending and testifying, or subpoenaed and attending, upon the trial of any civil cause, in any court, shall be paid the sum of ~~[\$4]~~:

- (1) ~~\$30 for each day’s attendance in court[-and traveling];~~
- (2) Traveling expenses [at the rate of 20 cents a mile each way.] equal to the mileage allowance that the Administrator of General Services has prescribed, pursuant to title 5 United States Code section 5704; and
- (3) The actual expenses of travel by common carrier on the basis of the means of transportation reasonably utilized and the distance necessarily traveled to and from the witness’ residence by the shortest practical route in going to and returning from the place of attendance; provided that the witness shall utilize a common

carrier at the most economical rate reasonably available; provided further that the witness shall furnish a receipt or other evidence of actual cost.

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

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

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

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

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

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

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

“(a) 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]~~ \$40 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) 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 witness is required to stay overnight, the 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.”

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

SECTION 5. This Act shall take effect on July 1, 2025.

(Approved June 3, 2025.)