
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 has remained static for a
3 number of years. This amount is no longer sufficient to pay for
4 the personal expenses of out-of-state witnesses, such as lodging
5 and food. These individuals are often forced to pay for their
6 own necessary personal expenses when subpoenaed to return to the
7 State as a witness in state court proceedings.

8 Because the per diem stipend amount has not been adjusted
9 to keep pace with the cost of living in Hawaii, it has emerged
10 as an economic "barrier" that either discourages or prevents an
11 out-of-state witness who is the victim of a crime from pursuing
12 charges against offenders. The legislature also finds that the
13 per diem stipend amount for witnesses who live in Hawaii and are
14 required to travel to a different island in the State is also
15 insufficient to cover the witness' personal expenses when that
16 witness is required to stay overnight.

17 The purpose of this Act is to increase the amount of per
18 diem stipends for out-of-state witnesses as well as make



1 available additional amounts of per diem stipends for Hawaii
2 residents who must travel to another island in the State to
3 appear as a witness, if required to stay overnight.

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

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

14 In addition to witness' fees, every witness [~~who~~]:

15 (1) Who attends a state court from outside the State shall
16 be entitled to the actual round-trip cost of plane
17 travel, plus [~~\$110~~] \$145 per twenty-four-hour day [~~;~~];
18 or [~~if~~]

19 (2) Who attends a state court from any island in the State
20 other than that on which the court holds session [~~;~~]
21 shall be entitled to the actual round-trip cost of
22 plane travel, plus \$55 per twenty-four-hour day [~~;~~



1 ~~which amounts~~]; provided that when the witness is
2 required to stay overnight, the witness shall be
3 entitled to an additional \$90 per twenty-four-hour
4 day.

5 These per diem payments shall cover all personal expenses, such
6 as board and lodging[~~.—These per diem payments~~], and shall be
7 computed on the basis of quarter day periods of time."

8 SECTION 3. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect on July 1, 2014.



Report Title:

Honolulu Prosecutor Package; Witnesses in Criminal Cases; Per Diem Payments

Description:

Increases the per diem payments to \$145 for out-of-state witnesses in criminal cases. Provides an additional \$90 as a per diem payment for witnesses from any island other than the island on which the court is located, when that witness is required to stay overnight. (HB238 CD1)

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