

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1440
Committee Substitute Favorable 6/15/98

Short Title: Conform Witness Travel Fees.

(Public)

Sponsors:

Referred to:

May 25, 1998

A BILL TO BE ENTITLED

AN ACT TO RECONFORM THE MILEAGE REIMBURSEMENT FOR OUT-OF-STATE WITNESSES TO THAT RECEIVED BY IN-STATE WITNESSES AND STATE EMPLOYEES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-314(c) reads as rewritten:

"(c) A witness who resides in a state other than North Carolina and who appears for the purpose of testifying in a criminal action and proves his attendance may be compensated at the rate of ~~ten cents (10¢) a mile~~ allowed to State officers and employees by subdivisions (1) and (2) of G.S. 138-6(a) for one round-trip from his place of residence to the place of appearance, and five dollars (\$5.00) for each day that he is required to travel and attend as a witness, upon order of the court based upon a finding that the person was a necessary witness. If such a witness is required to appear more than one day, he is also entitled to reimbursement for actual expenses incurred for lodging and meals, not to exceed the maximum currently authorized for State employees."

Section 2. G.S. 15A-813 reads as rewritten:

"§ 15A-813. Witness from another state summoned to testify in this State.

If a person in any state which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions, or grand jury

1 investigations commenced or about to commence in this State, is a material witness in a
2 prosecution pending in a court of record in this State, or in a grand jury investigation
3 which has commenced or is about to commence, a judge of such court may issue a
4 certificate under the seal of the court, stating these facts and specifying the number of
5 days the witness will be required. Said certificate may include a recommendation that the
6 witness be taken into immediate custody and delivered to an officer of this State to assure
7 his attendance in this State. This certificate shall be presented to a judge of a court of
8 record in the county in which the witness is found.

9 If the witness is summoned to attend and testify in this State he shall be ~~tendered the~~
10 ~~sum of ten cents (10¢) a mile~~ compensated at the rate allowed to State officers and
11 employees by subdivisions (1) and (2) of G.S. 138-6(a) for each mile by the ordinary
12 traveled route to and from the court where the prosecution is pending, and five dollars
13 (\$5.00) for each day that he is required to travel and attend as a witness. A witness who
14 has appeared in accordance with the provisions of the summons shall not be required to
15 remain within this State a longer period of time than the period mentioned in the
16 certificate unless otherwise ordered by the court. If such a witness is required to appear
17 more than one day, he is also entitled to reimbursement for actual expenses incurred for
18 lodging and meals, not to exceed the maximum currently authorized for State employees
19 when traveling in the State. If such witness, after coming into this State, fails without
20 good cause to attend and testify as directed in the summons, he shall be punished in the
21 manner provided for the punishment of any witness who disobeys a summons issued
22 from a court of record in this State."

23 Section 3. This act is effective when it becomes law and applies to all out-of-
24 state witness travel expenses incurred on or after that date.