

SHORT TITLE: Fees; requiring payment of certain witness fees;
effective date.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 951

By: Hendrick

AS INTRODUCED

An Act relating to fees; amending 28 O.S. 1991, Section 82, as last amended by Section 7, Chapter 229, O.S.L. 1994 (28 O.S. Supp. 1995, Section 82), which relates to payment of witness fees; requiring payment of certain witness fees; clarifying conditions under which certain witness fees may be paid; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 28 O.S. 1991, Section 82, as last amended by Section 7, Chapter 229, O.S.L. 1994 (28 O.S. Supp. 1995, Section 82), is amended to read as follows:

Section 82. A. Any witness appearing in obedience to an order, subpoena, or other lawful compulsion at any stage of a criminal case or proceeding, grand jury proceeding ~~and~~, or in any civil case or proceeding in which the party seeking the attendance of the witness is represented by the district attorney, shall be paid, from any monies available for the operations of the district attorney's office in the county where attendance is required, the fees and mileage at the rate prescribed by law.

B. Any witness appearing in obedience to an order, subpoena, or other lawful compulsion at any stage of a criminal case or proceeding in which the party seeking the attendance of the witness is represented by the Indigent Defense System or the county indigent

defender or its agent their agents shall be paid from the court fund. The court clerk shall report the amount of witness fees paid pursuant to this subsection monthly to the Administrative Office of the Courts. The Administrative Office of the Courts shall bill the Indigent Defense System for the cost of the witness fees which shall be paid from funds available for expenditure by the Indigent Defense System. Payment by the Indigent Defense System to the Administrative Office of the Courts shall be made within ten (10) days of the receipt of the billing.

C. Any witness appearing in obedience to an order, subpoena, or other lawful compulsion in an administrative proceeding, medicaid fraud investigation, or multicounty grand jury proceeding shall be paid by the party seeking the attendance of the witness. If the party seeking the attendance is the Attorney General or represented by the Attorney General, the witness shall be paid from funds available for expenditure by the Attorney General. If an administrative agency seeking the attendance of the witness is not represented by the Attorney General, the witness shall be paid from funds available for expenditure by the administrative agency.

D. Any witness appearing in obedience to an order, subpoena, or other lawful compulsion issued by a court of this state for which no provision of this section is applicable, shall be paid in the discretion of the court from funds which are subject to the court's orders. The court may consider rules promulgated pursuant to the provisions of Section 55 of Title 20 of the Oklahoma Statutes when determining indigency of a party.

E. Upon conclusion of the proceedings, such fees and mileage shall be taxed as costs in the case, and collected and deposited as other costs in the case.

SECTION 2. This act shall become effective November 1, 1996.

