

THE HOUSE OF REPRESENTATIVES
Tuesday, April 15, 2008

Committee Substitute for
ENGROSSED
Senate Bill No. 2007

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 2007 - By:
NICHOLS of the Senate and TERRILL of the House.

An Act relating to fees; amending 28 O.S. 2001, Section 81, as amended by Section 25, Chapter 460, O.S.L. 2002 (28 O.S. Supp. 2007, Section 81), which relates to witness fees; allowing certain additional witness fee; and providing an effective date.

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

1 SECTION 1. AMENDATORY 28 O.S. 2001, Section 81, as amended by Section
2 25, Chapter 460, O.S.L. 2002 (28 O.S. Supp. 2007, Section 81), is amended to read as
3 follows:

4 Section 81. A. Whenever, under the laws of this state, a person may be compelled
5 by order, subpoena, or other lawful compulsion to appear as a witness, whether or not
6 testimony or other evidence is actually adduced, the witness shall receive the following:

7 1. For a witness who appears from another state or foreign country in a criminal
8 proceeding in this state, the amount specified in Section 718 of Title 22 of the Oklahoma
9 Statutes;

1 2. For a witness who appears from this state in a criminal proceeding in another
2 state, the amount specified in Section 722 of Title 22 of the Oklahoma Statutes;

3 3. For a witness who appears from this state pursuant to an order, subpoena, or
4 other lawful means for compelling the appearance of the witness, Ten Dollars (\$10.00) for
5 each day of attendance, plus reimbursement as prescribed by law for travel expenses at
6 rates not to exceed those prescribed by law for reimbursement for state employees.

7 B. In computing mileage allowances for witnesses, parts of a mile shall be rounded
8 to the nearest whole number of miles. Where the total mileage actually and necessarily
9 traveled is less than one and one-half miles, no mileage shall be allowed.

10 C. No witness shall receive per diem or mileage in more than one case covering the
11 same period of time, or the same travel, and each witness shall be required to make oath
12 that the fees claimed have not been claimed or received in any other case, and no juror
13 while serving as a juror or party to a civil action shall receive compensation as a witness.

14 D. The fees and expenses allowed by this section shall be paid as follows:

15 1. In civil cases, the fees for one day's attendance shall be paid pursuant to Section
16 2004.1 of Title 12 of the Oklahoma Statutes and fees for subsequent attendance shall be
17 paid on the day before each additional day of attendance unless the witness agrees to
18 another time for payment;

19 2. In criminal cases, the witness shall be paid at the conclusion of each day of
20 attendance unless the witness agrees to another time for payment; or

21 3. In all other cases, the witness shall be paid at the conclusion of attendance
22 unless the witness agrees to another time for payment.

1 E. Any error in computing the number of miles allowable shall not be sufficient
2 grounds for failure to obey the order, subpoena, or other lawful compulsion if a per diem
3 has been tendered to the witness.

4 F. A person who is compelled to appear as a witness pursuant to subsection A of
5 this section to give factual testimony in any civil proceeding other than one in which the
6 state is a party, but therein qualifies and testifies as an expert witness, shall receive a
7 reasonable expert witness fee from the party seeking the expert testimony in addition to
8 the fees required pursuant to subsections A and B of this section.

9 SECTION 2. This act shall become effective November 1, 2008.

10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,
11 dated 04-14-08 - DO PASS, As Amended.