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THE STATE SENATE  
Thursday, February 21, 2008

Senate Bill No. 2007  
As Amended

SENATE BILL NO. 2007 - By: NICHOLS of the Senate and TERRILL of the House.

[ fees - witness fees - effective date ]

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

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

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

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

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

3. For a witness who appears from this state pursuant to an order, subpoena, or other lawful means for compelling the appearance

1 of the witness, Ten Dollars (\$10.00) for each day of attendance,  
2 plus reimbursement as prescribed by law for travel expenses at rates  
3 not to exceed those prescribed by law for reimbursement for state  
4 employees.

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

9 C. No witness shall receive per diem or mileage in more than  
10 one case covering the same period of time, or the same travel, and  
11 each witness shall be required to make oath that the fees claimed  
12 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  
14 compensation as a witness.

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

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

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

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

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

11           F. A person who is compelled to appear as a witness pursuant to  
12 subsection A of this section to give factual testimony but therein  
13 qualifies and testifies as an expert witness shall receive a  
14 reasonable expert witness fee from the party seeking the expert  
15 testimony in addition to the fees required pursuant to subsections A  
16 and B of this section.

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

18 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-19-08 - DO  
19 PASS, As Amended and Coauthored.