

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 2007

By: Nichols

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6 AS INTRODUCED

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

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

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

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

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

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

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

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

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

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

22 1. In civil cases, the fees for one day's attendance shall be
23 paid pursuant to Section 2004.1 of Title 12 of the Oklahoma Statutes
24 and fees for subsequent attendance shall be paid on the day before

1 each additional day of attendance unless the witness agrees to
2 another time for payment;

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

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

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

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

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

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