

(PRE-FILED)

By: **Delegate Smigiel**
Requested: July 7, 2004
Introduced and read first time: January 12, 2005
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts - Witness Fees and Mileage Costs**

3 FOR the purpose of altering certain fees and mileage costs for certain witnesses
4 attending certain court proceedings; limiting the payment of certain fees and
5 mileage costs to witnesses in civil proceedings; requiring the State Court
6 Administrator to determine witness fees and mileage costs that are uniform
7 throughout the courts in the State; requiring a party requesting a summons for
8 the attendance of a certain witness to pay that witness the fee and mileage costs
9 set by the clerk of court; providing for the application of this Act; and generally
10 relating to the payment of fees and mileage costs to witnesses attending court.

11 BY repealing and reenacting, with amendments,
12 Article - Courts and Judicial Proceedings
13 Section 9-202
14 Annotated Code of Maryland
15 (2002 Replacement Volume and 2004 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Courts and Judicial Proceedings**

19 9-202.

20 (a) (1) (I) [Except as provided in subsections (b) and (c)] IN A CIVIL
21 PROCEEDING AND IN ACCORDANCE WITH § 9-203(H) OF THIS SUBTITLE, a witness
22 attending court is allowed [\$1] A REASONABLE FEE for each day in attendance plus
23 [itinerant charges allowable to witnesses from other principal county subdivisions]
24 REASONABLE MILEAGE COSTS.

25 (II) Each witness shall obtain from the clerk of court a certificate or
26 order showing the amount due and by whom payable.

1 (III) The certificate or order [must] SHALL be obtained within 30
2 days of the last day of attendance, and failure to do so constitutes a waiver of any
3 claim for compensation.

4 (2) (I) THE STATE COURT ADMINISTRATOR SHALL DETERMINE A
5 REASONABLE FEE AND REASONABLE MILEAGE COSTS FOR A WITNESS ATTENDING
6 COURT UNDER THIS SECTION.

7 (II) THE FEE AND MILEAGE COSTS SHALL BE UNIFORM
8 THROUGHOUT THE COURTS IN THE STATE.

9 (3) IF A WITNESS APPEARS IN RESPONSE TO A SUMMONS, THE PARTY
10 REQUESTING THE SUMMONS SHALL PAY THE WITNESS THE ATTENDANCE FEE AND
11 MILEAGE COSTS SET FORTH IN THE CERTIFICATE OR ORDER FROM THE CLERK OF
12 COURT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

13 (b) [(1) In Dorchester, Somerset, Talbot, and Worcester counties a witness is
14 allowed 75 cents per day.

15 (2) In Baltimore City a witness is allowed 50 cents per day.

16 (c) (1) Allegany County -- A witness is allowed 12 cents per mile for each
17 mile over three he resides from the court. This amount is allowed only once in one
18 term. A witness attending court is allowed \$5 for each day in attendance plus
19 itinerant charges allowable to witnesses from other counties.

20 (2) Baltimore City -- A witness who resides outside the city limits is
21 allowed itinerant charges.

22 (3) Caroline County -- A witness is allowed 5 cents per mile for each
23 mile over three he resides from Denton.

24 (4) Dorchester County -- A witness is allowed 5 cents per mile for each
25 mile he resides from the court. This amount is allowed only once in one term.

26 (5) Frederick County -- A witness is allowed 10 cents per mile for each
27 mile over ten he resides from Frederick City. This amount is allowed only once in one
28 case.

29 (6) Garrett County -- A witness is allowed 12 cents per mile for each
30 mile over three he resides from the court. A witness attending court is allowed \$5 for
31 each day in attendance plus itinerant charges allowable to witnesses from other
32 principal county subdivisions.

33 (7) Kent County -- A witness is allowed whatever amount the court may
34 direct.

35 (8) Somerset County -- A witness is allowed 4 cents per mile for each
36 mile he resides from the court.

1 (9) Talbot County -- A witness is allowed 5 cents per mile for each mile
2 he resides from the court.

3 (10) Washington County -- A witness is allowed 8 cents per mile for each
4 mile over ten he resides from the court. This amount is allowed only once in one case.

5 (11) Worcester County -- A witness is allowed 4 cents per mile for each
6 mile he resides from the court.

7 (d)] A witness summoned by a surveyor upon an order shall be paid in the same
8 manner as any other witness.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
10 construed to apply only prospectively and may not be applied or interpreted to have
11 any effect on or application to any witnesses appearing in court before the effective
12 date of this Act.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
14 effect October 1, 2005.