

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 49

(Delegate Smigiel)

Judiciary

Judicial Proceedings

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Witness Fees and Mileage Costs

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This bill repeals several provisions providing for the payment of witness fees and mileage costs.

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Fiscal Summary

**State Effect:** None. This bill generally codifies existing practice.

**Local Effect:** None. See above.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** This bill repeals provisions providing for the payment of witness fees and mileage costs in State civil and criminal cases and for witnesses summoned before or being deposed by:

- the Secretary of Agriculture;
- the State Commission of Real Estate Appraisers and Home Inspectors;
- the State Real Estate Commission;
- an arbitrator during an arbitration hearing;
- the Orphans' Court;
- the State Workers' Compensation Commission; or

- the Public Service Commission.

**Current Law:** Witnesses are generally allowed \$1 for each day of attendance plus traveling charges. Dorchester, Somerset, Talbot, and Worcester counties allow 75 cents per day and Baltimore City allows 50 cents per day. Allowable traveling charges are generally based on the distance the witness lives from the court and vary from county to county. Traveling charges range from 4 cents per mile to 12 cents per mile.

Within 30 days of the last day of attendance, witnesses must obtain certification from the clerk of the court that shows the amount due and the payer.

Additionally, some witnesses summoned in criminal cases or proceedings before, or depositions by, the Secretary of Agriculture, the Commission of Real Estate Appraisers and Home Inspectors, the Real Estate Commission, an arbitrator during an arbitration hearing, the Orphans' Court, the State Workers' Compensation Commission, or the Public Service Commission, may be eligible to receive the same fees and mileage compensation as those summoned in civil cases.

**Background:** Many states provide for the payment of nominal fees and mileage costs to witnesses in both civil and criminal cases.

- Pennsylvania allows a reimbursement of \$5 per day and 7 cents for each mile actually traveled. Pennsylvania also allows for the payment of lodging costs if the matter carries over to another day.
- Delaware generally allows a reimbursement of \$2 per day and 3 cents per mile for attendance in any court, county governing body, commissioner, or either house of the General Assembly. The Kent County Court of Common Pleas sets its own fee at \$1 per day.
- Virginia allows reimbursement for mileage and expenses for tolls. The mileage reimbursement is set by the General Assembly and is currently 32.5 cents per mile.
- West Virginia allows a reimbursement of not less than \$10, but no more than \$20 per day (the amount is fixed by the local court) and 15 cents per mile, plus all applicable tolls.
- The District of Columbia allows the same reimbursement as the U.S. District Court for the District of Columbia Circuit. The current fee is \$40 per day and a mileage reimbursement rate of 37.5 cents per mile (this may increase to 40.5 cents per mile to match the Internal Revenue Service mileage reimbursement amount).

## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Allegany County; Montgomery County; Prince George's County; Talbot County; Judiciary (Administrative Office of the Courts); Baltimore City; Maryland Department of Agriculture; Department of Labor, Licensing, and Regulation; Department of Legislative Services

**Fiscal Note History:** First Reader - January 18, 2005  
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