

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 80**

By Senators Grady, Phillips, and Smith

[Originating in the Committee on Judiciary; and then  
to the Committee on Finance, reported on January

25, 2023]

1 A BILL to amend and reenact §59-1-16 of the Code of West Virginia, 1931, as amended, relating to  
2 modifying the fee and mileage rate paid to witnesses in the State of West Virginia to match  
3 the United States Federal Court system.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 1. FEES AND ALLOWANCES.**

**§59-1-16. Amount of allowance to witnesses for attendance; how and when made.**

1 Notwithstanding any other provision of this code to the contrary, a person attending any  
2 court or other tribunal, under a summons or recognizance as a witness, shall receive ~~not less~~  
3 ~~than ten nor more than twenty dollars, to be fixed by the court or other tribunal,~~ a sum of \$40 for  
4 each day's attendance and ~~fifteen cents per mile for each mile necessarily traveled to the place~~  
5 ~~of attendance, and the same for returning, plus all necessary bridge, ferry and road tolls~~ travel  
6 costs based on the state mileage reimbursement rate applicable to state employees who utilize  
7 their own vehicles for business travel as established by the State Travel Management Office of  
8 the West Virginia Purchasing Division. On his or her oath, an entry of the sum he or she is  
9 entitled to, and for what, and by what party it is to be paid, shall be made. When the attendance  
10 is before either house or a committee of the Legislature, such entry shall be made by the clerk of  
11 such house or the chairman of such committee, and in other cases by the clerk of the court or  
12 other tribunal before which, or by the person before whom, the witness attended. A witness  
13 summoned or recognized to attend in several cases may have the entry made against any one  
14 of the parties by whom he or she is summoned, or for whom he or she is sworn as a witness,  
15 but no witness shall be allowed for his or her attendance in more than one case at the same  
16 time. But no compensation shall be allowed to a witness before a grand jury. This section shall  
17 not apply to witnesses before ~~justices of the peace~~ magistrates.