

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 335

By Senators Grady, Deeds, and Woelfel

[Introduced January 12, 2024; referred
to the Committee on the Judiciary; and then to the
Committee on Finance]

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

NOTE: The purpose of this bill is to amend the witness fee rate in West Virginia to match the current federal rate.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.