

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Committee Substitute

for

Senate Bill 430

BY SENATORS GRADY, CLEMENTS, PHILLIPS, ROBERTS,

STOVER, STOLLINGS, AND MARONEY

[Originating in the Committee on the Judiciary;

reported on February 21, 2022]

1 A BILL to amend and reenact §59-1-16 of the Code of West Virginia, 1931, as amended, relating
2 to increasing the witness fee to match the witness fee paid in federal court and increasing
3 the mileage rate paid to witnesses.

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