

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2709 Session of
2000

INTRODUCED BY MARSICO, BARRAR, BELARDI, BELFANTI, CAPPABIANCA,
CLYMER, M. COHEN, COLAFELLA, DeLUCA, FARGO, FEESE, FRANKEL,
GODSHALL, HALUSKA, HARHAI, HERSHEY, HESS, LEH, MAITLAND,
McCALL, McGILL, McNAUGHTON, S. MILLER, NICKOL, RAMOS, RUBLEY,
SHANER, SOLOBAY, STABACK, TIGUE, TRELLO, WILT, WOJNAROSKI AND
YOUNGBLOOD, SEPTEMBER 11, 2000

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 11, 2000

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 compensation and expenses of witnesses.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 5903(b) and (c) of Title 42 of the
7 Pennsylvania Consolidated Statutes are amended and the section
8 is amended by adding a subsection to read:

9 § 5903. Compensation and expenses of witnesses.

10 * * *

11 (b) Compensation.--Every witness, except a salaried police
12 officer attending a coroner's inquest during working hours,
13 shall be paid at the rate of [\$5] \$40 per day during the
14 necessary period of attendance. [A witness under the act of
15 March 30, 1937 (P.L.115, No.40), known as "The First Class City
16 Permanent Registration Act" shall be paid at the rate of \$20 per

1 day.]

2 (c) Travel.--

3 (1) Every witness, except a salaried police officer
4 attending a coroner's inquest during working hours, shall be
5 paid mileage at [the rate of 7¢] a rate equal to the highest
6 rate allowed by the Internal Revenue Service for each mile
7 circular actually and necessarily travelled between the place
8 named in the subpoena and the place of residence of the
9 witness.

10 (2) Toll charges for toll roads, bridges and tunnels,
11 taxicab fares between places of lodging and carrier
12 terminals, and parking fees, upon presentation of a valid
13 parking receipt, shall be paid in full to a witness incurring
14 such expenses.

15 (3) A witness who travels by common carrier shall be
16 paid for the actual expenses of travel on the basis of
17 transportation reasonably utilized and the distance
18 necessarily travelled to and from the witness's residence by
19 the shortest practical route in going to and returning from
20 the place named in the subpoena. The witness shall utilize a
21 common carrier at the most economical rate reasonably
22 available. A receipt or other evidence of actual cost shall
23 be furnished.

24 * * *

25 (j) Witness incarcerated.--A witness who is incarcerated at
26 the time testimony is given may not receive fees or allowances
27 under this section, regardless of whether the witness is
28 incarcerated at the time the witness makes a claim for fees or
29 allowances under this section.

30 Section 2. This act shall take effect in 60 days.