

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 4414 (Substitute S-1 as reported)
Sponsor: Representative Ruth Johnson
House Committee: Family and Civil Law
Senate Committee: Judiciary

CONTENT

The bill would amend the Revised Judicature Act (RJA) to change the reimbursement rate required to be paid for travel expenses of a witness, other than a prosecution witness, who attends an action or proceeding pending in a court of record. The bill would take effect on October 1, 2000.

Currently, a witness must be reimbursed for his or her traveling expenses at a rate of 10 cents per mile to be estimated from his or her residence, if it is within Michigan, or from the State boundary that the witness passed through in coming into Michigan, if his or her residence is outside of Michigan.

Under the bill, except as otherwise provided for prosecution witnesses in the Code of Criminal Procedure (described below), the per-mile rate of reimbursement of traveling expenses for witnesses would have to be the same as the per-mile travel reimbursement rate established by directives of the Department of Management and Budget for State officers and unclassified employees of State agencies while engaged in the performance of State business. (That rate is currently set at 32.5 cents per mile.)

(Under the Code of Criminal Procedure, when a person attends a court of record as a witness in behalf of the State, upon request of the prosecutor, upon subpoena, or by virtue of a recognizance for that purpose, and the person comes from outside of Michigan or the person is poor, the court may direct the county treasurer to pay the witness an amount that seems reasonable for the witness's expense (MCL 775.7). In addition, the Code specifies that, if a person attends court as a witness in behalf of the prosecution, upon the request of the prosecutor, upon subpoena, or because of a recognizance for that purpose, the witness is entitled to 10 cents per mile traveled in going to and returning from the appearance, estimated from the person's residence if within Michigan or from the State boundary that the witness passes through in traveling to attend court (MCL 775.13).)

MCL 600.2552

Legislative Analyst: P. Affholter

FISCAL IMPACT

To the extent that the State or local units of government are parties in court and certain administrative proceedings, the increase in mileage reimbursement would result in increased costs. The Department of Attorney General paid \$13,614 in witness fee reimbursements (including travel) in FY 1998-99. Other departments also pay these costs when they are parties in legal proceedings. No Statewide data are available on total payments by the State for travel reimbursement for witnesses.

Date Completed: 4-6-00

Fiscal Analyst: B. Bowerman