

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE

Introduced By: Senators McCaffrey, and Lynch

Date Introduced: February 28, 2013

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 9-17-18 of the General Laws in Chapter 9-17 entitled "Witnesses"
2 is hereby amended to read as follows:

3 **9-17-18. Certificate of days and mileage as prerequisite to payment of fees.** -- Every
4 witness, previous to his or her obtaining any fee, except the amount which, in certain cases, must
5 be tendered to him or her before he or she can be compelled to attend, shall give a certificate to
6 the ~~court wherein he or she has attended~~ department of the attorney general or the office of the
7 public defender, whichever procured the witness, certifying the number of days he or she has
8 attended and the number of miles he or she has traveled; which certificate shall be subject to the
9 examination of the court department that procured the witness, and, if question arises, such
10 allowance shall be made thereon as shall be lawfully due.

11 SECTION 2. Section 9-22-15 of the General Laws in Chapter 9-22 entitled "Costs" is
12 hereby amended to read as follows:

13 **9-22-15. Witness fees allowed where certificate filed after judgment.** -- Unless the
14 certificate of a witness for his or her attendance and travel is filed with the ~~clerk of the court~~
15 ~~rendering judgment~~ department of the attorney general or the office of the public defender,
16 whichever procured the witness, not later than ten (10) days after the rendition of judgment in the
17 cause in which he or she shall have attended or been summoned, no more fees shall be taxed in
18 favor of the party procuring the witness than one day's attendance and travel; provided, that in a
19 district court no fees shall be taxed in favor of the party procuring the witness in any cause in

1 which an appeal shall be claimed after judgment, unless there shall be filed with the ~~clerk of the~~
2 ~~court~~ department that procured the witness, within one day after entry of judgment, exclusive of
3 Sundays and legal holidays, the certificate of the witness for his or her attendance and travel, or
4 the summons for the witness; in which latter case fees shall be taxed for only one day's attendance
5 and travel.

6 SECTION 3. Section 9-29-8 of the General Laws in Chapter 9-29 entitled "Fees" is
7 hereby amended to read as follows:

8 **9-29-8. Certification as to witness fees.** -- Every witness before obtaining any fees,
9 except the amount which in certain cases must be tendered to him or her before he or she can be
10 compelled to attend, shall give a certificate to the ~~clerk of the court wherein or before whom his~~
11 ~~or her attendance shall be given~~ department of the attorney general or the office of the public
12 defender, whichever procured the witness, certifying the number of days he or she shall have
13 attended and the number of miles he or she shall have traveled, in pursuance of a summons issued
14 for that purpose, which certificate shall be subject to the examination of the ~~court~~ department that
15 procured the witness, and the allowance shall be made thereon as may be lawfully due; provided,
16 that a certificate may be made for travel and attendance without a summons, in case a witness for
17 the state comes from without the state.

18 SECTION 4. Section 35-6-29 of the General Laws in Chapter 35-6 entitled "Accounts
19 and Control" is hereby amended to read as follows:

20 **35-6-29. Orders for payment of fees due in criminal cases.** -- The state controller may
21 deliver to the ~~clerk of each district court, to wardens, and to the clerks of the superior court,~~
22 ~~except the clerk of the superior court in the county of Providence~~ department of the attorney
23 general or the office of the public defender, whichever procured the witness, orders for fees of
24 officers and witnesses in criminal prosecutions allowed by the courts, and by the controller found
25 to be due to the officers and witnesses from the state; and the justices, wardens, and clerks, upon
26 application therefor, shall deliver the orders to the officers and witnesses entitled to them.

27 SECTION 5. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO COURTS AND CIVIL PROCEDURE

1 This act would make changes to the accounting of witness fees where witnesses are
2 procured through the department of the attorney general or the office of the public defender.

3 This act would take effect upon passage.

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