



House of Representatives

General Assembly

File No. 605

February Session, 2004

House Bill No. 5442

House of Representatives, April 15, 2004

The Committee on Appropriations reported through REP. DYSON of the 94th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING PAYMENT BY THE DIVISION OF CRIMINAL JUSTICE OF THE EXPENSES OF WITNESSES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 51-279 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2004*):

4 (b) The appropriation to the Division of Criminal Justice shall
5 contain a separate budgetary allocation to the Division of Criminal
6 Justice divided into the following parts: Personal services, other
7 expenses and equipment. Expenses of or incurred by the division,
8 including rental of facilities where not otherwise provided by the
9 Commissioner of Public Works, and expenses of investigation and
10 prosecution, including payment of witness fees of policemen and
11 expenses of other witnesses summoned by the prosecution, costs of
12 transcripts ordered from court reporters, costs of service of process and
13 costs of extradition shall be paid from the budget of the division.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes technical changes that have no fiscal impact.

OLR BILL ANALYSIS

HB 5442

AN ACT CONCERNING PAYMENT BY THE DIVISION OF CRIMINAL JUSTICE OF THE EXPENSES OF WITNESSES**SUMMARY:**

This bill expands the expenses that the Division of Criminal Justice must pay from its budget to include the expenses of investigations in addition to those of prosecutions. It also expands the minimum covered as prosecution or investigation expenses to include expenses, rather than just fees, of witnesses, other than police, called by the prosecution. Current law specifically includes payment of witness fees for police officers and others summoned by the prosecution.

EFFECTIVE DATE: October 1, 2004

BACKGROUND***Witness Fees and Expenses***

The law sets fees and expenses for witness in a number of circumstances, including the following.

1. Witnesses summoned by the state receive 50 cents a day and the same per mile rate for travel to the place of trial as is currently paid state employees for travel.
2. Regular or supernumerary police and regular, volunteer, or substitute firefighters who are summoned to testify in criminal proceedings and are not compensated by their town, city, or borough employer are paid \$40 plus the same mileage rate for travel as paid other witnesses in criminal proceedings.
3. A person confined in prison because a state's attorney alleges he will be a material witness in a pending criminal proceeding receives \$2 per day of confinement in addition to his fees as a witness.
4. The court determines a reasonable fee, in place of other witness

fees, when a practitioner of the healing arts, dentist, registered nurse, advanced practice nurse, licensed practical nurse, or real estate appraiser gives expert testimony, including by deposition.

5. The chief state's attorney, when necessary to obtain testimony of a witness who resides outside the state in a criminal prosecution, can pay the witness a reasonable sum for his time and expense in going to, attending, and returning from court and may also pay a reasonable sum for the expense of procuring his attendance or procuring a document from outside the state that is necessary as evidence in a trial.
6. A material witness in another state commanded by that state's court to testify in Connecticut, receives \$5 per day of travel or court attendance plus the same per mile rate paid state employees for travel.
7. A witness at risk of harm can receive protective services that include housing expenses; basic living expenses including food, transportation, utility costs, and health care; and other services as needed and approved by the chief state's attorney.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Change of Reference

Yea 40 Nay 0

Appropriations Committee

Joint Favorable Report

Yea 49 Nay 0