

DAVID Y. IGE
GOVERNOR



LAUREL A. JOHNSTON
ACTING DIRECTOR

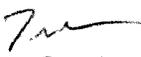
STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

January 24, 2018

TO: City and County of Honolulu, Department of the Prosecuting Attorney
County of Hawai'i, Department of the Prosecuting Attorney
County of Kaua'i, Department of the Prosecuting Attorney
✓ County of Maui, Department of the Prosecuting Attorney

FROM: Tracy Ban 
Administrative Services Officer

SUBJECT: Administrative Directive No. 18-01 – Reimbursement of Expert Witness
Fees and Other Expenses to Counties

Attached for your information and action is the Governor's Administrative Directive No. 18-01 "Reimbursement of Expert Witness Fees and Other Expenses to Counties" dated January 2, 2018.

The Department of Budget and Finance will reimburse the counties pursuant to the appropriate Statutes and Administrative Directive No. 18-01. All reimbursement requests under the Administrative Directive No. 18-01 will be for the period from January 2, 2018 through June 30, 2018. These reimbursement requests must be received in our office by June 22, 2018 as FY18 funds will lapse on June 30, 2018. Reimbursement requests received by our office after June 22, 2018 for FY18 funds will be returned to your office without action. Please be reminded that the Department of Budget and Finance has a limited appropriation each fiscal year to pay witness fees. As such, payments will be made in the chronological order that they are received by this office and only up to the available fiscal year's allocation.

A template for submitting a request in regards to costs in excess of the per diem rate comparable to that of permanent employees of the State, where prior approval is necessary, is attached.

The Department of Budget and Finance does not have a list of preferred or approved expert witnesses. The selection of these expert witnesses are the responsibility of the Counties. The costs for laboratory fees will be reimbursed in accordance with Administrative Directive No. 18-01.

When requesting per diem and personal automobile mileage, use Exhibit 1 and Exhibit 2 respectively. Please note that beginning on January 1, 2018, the standard mileage rates for the use of a car is 54.5 cents for every mile of business travel driven per the Internal Revenue Service's guidelines.

Please also refer to the Hawaii Revised Statutes Sections 621-7, 621-9 and 836-3 for further requirements regarding allowable reimbursable expenses. If there are any questions, please call me at (808) 586-1601 or Ms. Louisa Lee at (808) 586-1632.

Attachments:

Administrative Directive No. 18-01
Template Memo for Submitting Requests
Exhibit 1 – Per Diem
Exhibit 2 – Personal Automobile Mileage
Internal Revenue Service Guidelines



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

January 2, 2018

ADMINISTRATIVE DIRECTIVE NO. 18-01

TO: Department of Budget and Finance, Department of Accounting and General Services and Department of Attorney General

FROM: David Y. Ige
Governor

SUBJECT: Reimbursement of Expert Witness Fees and Other Expenses to Counties

Discussion

Hawaii Revised Statutes sections 621-7, 621-8, 621-9, 836-2 and 836-3 provide budgetary procedures for the covering of expenses when subpoenaing witnesses to testify for the State in criminal cases. The statutes do not clearly delineate what constitutes allowable expenses and should be clarified by appropriate legislative action. Pending such clarification and in order to promote the efficient administration of criminal prosecutions by the State, I direct appropriate executive branch agencies as follows:

Policy

This Administrative Directive shall be effective for an interim period from the date of this directive and shall expire on June 30, 2018.

1. County Prosecutors may submit to the Department of Budget and Finance the following:

Allowable Expenses:

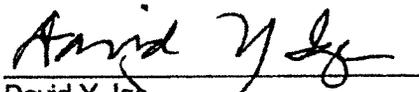
Costs for law enforcement officers, including overtime, to transport a defendant.

Expert witness fees, including preparation, travel, waiting, and testimony.

Per diem at a rate comparable to that of permanent employees of the State.

Expenses Specifically Excluded:

Costs in excess of the per diem, except as approved by the Department of Budget and Finance. Approval must be obtained prior to the excess expense being incurred.



David Y. Ige
Governor, State of Hawai'i

JAN -2 2018

Date

DAVID Y. IGE
GOVERNOR



WESLEY K. MACHIDA
DIRECTOR

LAUREL A. JOHNSTON
DEPUTY DIRECTOR

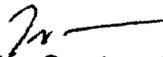
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EMPLOYEES' RETIREMENT SYSTEM
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BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

March 2, 2017

TO: Departmental/County Fiscal Officers

FROM: Tracy Ban 
Administrative Services Officer

SUBJECT: Reimbursement by State of Hawaii, Department of Budget & Finance for
Payments authorized under sections 621-7, 621-9 and /or 836-3, Hawaii
Revised Statutes

It was brought to my attention that we have received certain types of reimbursement requests that does not appear to be allowed by Sections 621-7, 621-9 and/or 836-3, Hawaii Revised Statutes. Going forward, we will only reimburse what is allowed by the subject Statutes, and will return without action those requests that does not meet these statutory requirements.

Please refer to the respective statutes (attached) for further clarification regarding the allowable reimbursable expenses. If there are any questions, feel free to call me at (808) 586-1601 or Louisa Lee at (808) 586-1632.

Attachments

2017-03-06 10:13
PROJECTED
COURT
2017-03-06 10:13
PROJECTED
COURT

§621-7 Fees; criminal cases. (a) Every witness legally required to attend a state court or grand jury in any criminal case, other than a public officer or employee, shall be entitled to \$20 for each day's attendance and a reasonable mileage fee to be established pursuant to rules adopted by the judiciary for each mile actually and necessarily traveled on the ground each way, including travel to and from the nearest airport when required to travel from another island or from outside the State.

In addition to witness' fees, every witness:

(1) Who attends a state court from outside the State shall be entitled to the actual round-trip cost of plane travel, plus \$200 per twenty-four-hour day; or

(2) Who attends a state court from any island in the State other than that on which the court holds session shall be entitled to the actual round-trip cost of plane travel, plus \$55 per twenty-four-hour day; provided that when the witness is required to stay overnight, the witness shall be entitled to an additional \$145 per twenty-four-hour day.

These per diem payments shall cover all personal expenses, such as board and lodging, and shall be computed on the basis of quarter day periods of time.

(b) Any police officer or other public officer or employee (except the county attorney, prosecuting attorney, or deputy county attorney or deputy prosecuting attorney), who attends a state court as a witness from a district other than that in which the court is holding session, shall be allowed the police officer's, public officer's, or employee's travel cost and mileage fees as provided in this section. A public officer or employee, if not salaried, shall receive witness fees. [L 1907, c 53, §1; am L 1909, c 145, §1; RL 1925, §2560; am L 1925, c 23, §1; am L 1932 1st, c 13, §1; RL 1935, §3816; RL 1945, §9827; am L 1945, c 38, §1; RL 1955, §222-7; am L 1963, c 57, §1; HRS §621-7; am L 1972, c 104, §1(e); am L 1980, c 305, §1; gen ch 1985; am L 1989, c 176, §1; am L 2014, c 195, §2; am L 2016, c 159, §2]

Attorney General Opinions

"District" means one of the districts listed in §4-1. Att. Gen. Op. 73-1.

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§621-9 Witness and defendant expenses; budgetary procedure.

(a) Except as provided for in section 802-7, whenever a witness subpoenaed on behalf of the State in a criminal case or on behalf of a defendant at the expense of the State in a criminal case is discharged, the clerk of the court shall issue to him under seal of the court, a numbered certificate from a book having a stub with like designations, stating the name of the witness, when and where he was summoned or subpoenaed, the date of his discharge, the number of miles necessarily traveled from his place of residence to the place of holding court, the number of days' service, and the amount due for transportation and for service. The certificate, when correct, must be so certified by the public prosecutor or county attorney for witnesses subpoenaed on behalf of the State, and by the public defender for witnesses subpoenaed on behalf of a defendant, but no certificate shall be so certified unless presented to him within twelve months after the date of issue. Duly certified witness certificates shall be paid upon vouchers approved by the state director of finance and warrants drawn by the state comptroller.

(b) Whenever the presence of a defendant in a criminal case or in a proceeding under chapter 704 or a petitioner in a post conviction proceeding who is outside the judicial circuit is mandated by court order or bench warrant to appear, the cost of airfare, ground transportation, any per diem for both the defendant or petitioner and sufficient law enforcement officers to effect the defendant's or petitioner's return, shall be borne by the State. All such expenses shall be certified by the court or public prosecutor or the attorney general. Duly certified claims for payment shall be paid upon vouchers approved by the state director of finance and warrants drawn by the state comptroller. The court may order the nonindigent defendant or petitioner who was returned to the State of Hawaii to reimburse the State for the costs of such extradition or return as specifically described above.

(c) Each public prosecutor or county attorney and the public defender shall submit to the state department of budget and finance for inclusion in the department's budget request for each fiscal biennium the amount required for each fiscal year for expenses for witnesses subpoenaed by him and for defendants and postconviction petitioners summoned on his behalf or required by him. [L 1907, c 53, §3; RL 1925, §2562; am L 1932 1st, c 13, §1; RL 1935, §3818; RL 1945, §9829; am imp L 1945, c 35, §1; RL 1955, §222-9; am L 1957, c 152, §1; am L Sp 1959 2d, c 1, §14; am L 1963, c 114, §1; HRS §621-9; am L 1976, c 131, §4; am L Sp 1977 1st, c 7, §2; am L 1980, c 306, §1; am L 1987, c 85, §1; am L 1988, c 280, §1]

Cross References

Witness security, see §28-101.

§836-3 Witness from another state summoned to testify in this State. If a person in any state, which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions, or grand jury investigations commenced or about to commence in this State, is a material witness in a prosecution pending in a court of record in this State, or in a grand jury investigation which has commenced or is about to commence, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required. The certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this State to assure the witness' attendance in this State. This certificate shall be presented to a judge of a court of record in the judicial district in which the witness is found.

If the witness is summoned to attend and testify in this State the witness shall be tendered a sum equivalent to the cost of round-trip air fare to the place where the prosecution is pending and \$60 for each day that the witness is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this State a longer period of time than the period mentioned in the certificate, unless otherwise ordered by the court. If such witness, after coming into this State, fails without good cause to attend and testify as directed in the summons, the witness shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this State. [L 1971, c 116, §3; HRS §719-3; ren L 1972, c 9, pt of §1; am L 1980, c 307, §1; gen ch 1985]

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LINDA LINGLE
GOVERNOR



GEORGINA K. KAWAMURA
DIRECTOR

STANLEY SHIRAKI
ACTING DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE

P.O. BOX 150
HONOLULU, HAWAII 96810-0150

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER
PUBLIC UTILITIES COMMISSION

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION

June 24, 2004

The Honorable Davelynn M. Tengan
Prosecuting Attorney
County of Maui
200 South High Street
Wailuku, Hawaii 96793

Dear Ms. Tengan:

Funds have been appropriated to the Department of Budget and Finance (DB&F) in Fiscal Year (FY) 2005 to meet witness and defendant expenses incurred in accordance with Sections 621-7, 621-9, and/or 836-3, HRS. The Department will continue to reimburse the County of Maui for allowable expenses initially paid by county funds up to the appropriation available. As noted in my letter of May 12, 2004, Act 41, Session Laws of Hawaii (SLH) 2004 (Supplemental Budget Appropriation Act), reduced the General fund appropriation to the DB&F for the payment of court appointed counsel and witness fees by the sum of \$1,036,000 for FY 2005. Hence, if sufficient funds are not available to pay for all claims, the DB&F will return requests for payment until such time that appropriations become available.

If there are any questions, please contact Ms. Wanda Kimura at 586-1596 or Ms. Lynn Naito at 586-1632 of our Administrative and Research Office.

Sincerely,

A handwritten signature in cursive script that reads "Georgina K. Kawamura".

GEORGINA K. KAWAMURA
Director of Finance

2004 JUN 29 PM 1:42

BENJAMIN J. CAYETANO
GOVERNOR



Liane

NEAL MIYAHIRA
DIRECTOR

WAYNE H. KIMURA
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII PUBLIC EMPLOYEES HEALTH FUND
OFFICE OF THE PUBLIC DEFENDER
PUBLIC UTILITIES COMMISSION

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
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ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION

June 5, 2000

The Honorable Richard T. Bissen, Jr.
Prosecuting Attorney
County of Maui
200 South High Street
Wailuku, Hawaii 96793

Dear Mr. Bissen:

Funds have been appropriated to the Department of Budget and Finance in fiscal year 2001 to meet witness and defendant expenses incurred in accordance to Sections 621-7, 621-9, and/or 836-3, HRS. The Department will continue to reimburse the County of Maui for allowable expenses initially paid by county funds.

If you have any questions or require more information, please call Lynn Naito at 586-1632.

Aloha,

Handwritten signature of Stanley Shiraki in cursive.

Stanley Shiraki
Administrative Services Officer

JUN 6 9 11 AM '00