

HB 697-FN - AS INTRODUCED

2025 SESSION

25-0420

09/05

HOUSE BILL **697-FN**

AN ACT relative to witness fees in criminal cases.

SPONSORS: Rep. Potenza, Straf. 19; Rep. Drago, Rock. 4; Rep. Newell, Ches. 4; Rep. Wheeler,
 Hills. 33; Rep. Kuttub, Rock. 17; Rep. Litchfield, Rock. 32; Rep. Terry, Belk. 7

COMMITTEE: Judiciary

ANALYSIS

This bill allows witness fees in criminal proceedings for civilian witnesses who appear in court at the place and time designated but are required to return another day to testify in the same proceeding.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struckthrough.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to witness fees in criminal cases.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Witnesses; Fees. RSA 516:16 is repealed and reenacted to read as follows:

2 516:16 Witness Fees for Returning to Court. In any criminal proceeding, no witness shall be
3 eligible to receive a fee for appearing in court pursuant to a summons to appear except if a civilian
4 witness appears in court at the time and place designated but is required, through no fault of the
5 witness, to return to court to testify in the same proceeding for a second or subsequent day. For each
6 subsequent day, the civilian witness shall be entitled to a payment for each day of attendance and
7 mileage for each mile's travel to and from the place of testifying; mileage to be allowed for each day's
8 attendance where the witness is required to leave the town or city in which he or she resides to
9 testify. The rate of the fees shall be the same as those authorized in 28 U.S.C. section 1821.

10 2 Effective Date. This act shall take effect January 1, 2026.

**HB 697-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to witness fees in criminal cases.

FISCAL IMPACT: This bill does not provide funding.

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

METHODOLOGY:

This bill repeals and reenacts RSA 516:16, establishing rules for witness fees in criminal proceedings. Under the new provision, civilian witnesses summoned to court will not receive compensation for their initial court appearance. However, if a witness is required to return to court on a subsequent day through no fault of their own, they will be eligible for daily attendance fees and mileage reimbursement for each additional day they are required to appear. The fee and mileage rates will align with those specified in 28 U.S.C. section 1821 (federal witness fee standards).

The fiscal impact to the State is indeterminable as it will depend on the frequency of civilian witnesses being required to return to court on multiple days in criminal proceedings. If the volume of such cases is significant, the State may see an increase in expenditures related to witness fees and mileage reimbursements. However, since compensation applies only to subsequent appearances and not initial ones the increase in expenditures may be able to be absorbed into the agency or Branch's budget. The bill is not entirely clear as to who will be paying the witness fees, whether it will be the Judicial Branch or Department of Justice.

AGENCIES CONTACTED:

Department of Justice and Judicial Branch