6-05/300.30 6-05/300.30 Witness Fees

Generally, there are no witness fees in criminal cases. However, the court may provide for fees under special circumstances. (PC 1329)

Witness fees for civil subpoenas, including affidavit, are dictated by Government Code**.** The Sheriff's Department should not be concerned over witness fees unless the litigant separately provides for it. Service should be made on the witness whether or not witness fees are provided. If fees are provided, a separate check made payable to the witness should be attached to the subpoena served on the witness. There is no additional charge for providing the service, but it should be indicated on the Proof of Service.

GC 68093 Superior Court $35 per day, plus $0.20 per mile.

• 5-05/300.31 Witness Fees for Peace Officers/Government Employees

Witness fees for a civil subpoena for any employee of a city, county, city and county, special district, redevelopment agency, or any other political subdivision of the state is two hundred seventy-five dollars **($275**) for each day that the employee is required to remain in attendance pursuant to the subpoena. (GC 68096.1)

GC 6103 does not apply to payment or reimbursement of witness fees pursuant to a subpoena because officers do not testify in civil cases as part of their official service. (53 Ops. Atty. Gen. 322 – links only available after 1979)