6-10/990.00 Attendance

The witness does not have to appear unless the witness is a resident of the state. However, a non- resident witness must produce the subpoenaed records if the witness is a custodian of records and the subpoena does not require personal appearance. (CCP 1989, 1987.3)

• 6-10/990.10 On-Call Witness

Any person who is subpoenaed to appear at a session of court, or at the trial of an issue therein, may, in lieu of appearance at the time specified in the subpoena, agree with the party at whose request the subpoena was issued to appear at another time or upon such notice as may be agreed upon. Any failure to appear pursuant to such agreement may be punished as a contempt by the court issuing the subpoena. The facts establishing or disproving such agreement and the failure to appear may be proved by an affidavit of any person having personal knowledge of the facts. (CCP 1985.1; 1985.2)

• 6-10/990.20 Disobedience to Subpoena

A witness failing to comply with the subpoena may be held in contempt of court and may be imposed sanctions. (CCP 1991.1, 2023.030, 2025.480(k))

A witness disobeying a subpoena also forfeits to the party aggrieved $500 and damages which may be recovered in a civil action. (CCP 1992) If a witness fails to appear in court, the court may issue a warrant for the witness's arrest. (CCP 1993) However, a witness, other than excepted employees, who has demanded witness fees and has not been paid is under no duty to appear. (GC 68097)