

CHAPTER 103

H.B. No. 887

AN ACT

relating to witness fees, privileges, and appearances in court.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 22, Civil Practice and Remedies Code, is amended to read as follows:

CHAPTER 22. WITNESSES

SUBCHAPTER A. WITNESSES

Sec. 22.001. WITNESS FEE [FEES]. (a) A witness is entitled to 10 dollars[;

[~~(1) one dollar~~] for each day the witness attends court[; and

[~~(2) six cents for each mile the witness travels in going to and returning from court~~].

This fee includes the entitlement for travel and the witness is not entitled to any reimbursement for mileage traveled.

(b) [~~After receiving the witness's affidavit, the court clerk shall issue a certificate stating the fees incurred under this section.~~

[~~(c)~~] The party who summons the witness shall pay that witness's fee for one day, as [fees] provided [for] by this section, at the time the subpoena is served on the witness.

(c) [~~(d)~~] The witness fee [fees] must be taxed in the bill of costs as other costs.

Sec. 22.002. DISTANCE FOR SUBPOENAS. *A witness who is represented to reside 150 miles or less from a county in which a suit is pending or who may be found within that distance at the time of trial on the suit may be subpoenaed in the suit.*

SUBCHAPTER B. PRIVILEGES

Sec. 22.011. PRIVILEGE FROM ARREST. (a) A witness is privileged from arrest while attending, going to, and returning from court.

(b) The privilege provided by this section extends for a period computed by allowing one day of travel for each 150 [25] miles of the distance from the courthouse to the witness's residence.

(c) This section does not apply to an arrest for a felony, treason, or breach of the peace.

SECTION 2. This Act takes effect January 1, 1994.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 1, 1993, by a non-record vote; passed by the Senate on April 28, 1993, by a viva-voce vote.

Approved May 7, 1993.

Effective Jan. 1, 1994.