



# Witness Fee Claims Guidelines 2008



Easy-to-use guidelines for completing witness fee claims for mileage, hotel and meal costs.

## Witness should check the applicable boxes or fill the following blanks to indicate:

- ▶ If the witness was summoned or subpoenaed;
- ▶ If request came from court or prosecuting attorney;
- ▶ The county the summons was received in;
- ▶ Whether the witness used a personal automobile;
- ▶ How many round trips the witness made if he or she used a personal auto;
- ▶ Total mileage requested multiplied by the current reimbursement rate; and
- ▶ Total miles by highway

## County must complete:

- ▶ Notarized witness signature
- ▶ Defendant name, case number, type of case and any change of venue
- ▶ Date and which county or district the claim was filed in and clerk signature (located to the right of the witness name and mailing address)
- ▶ County name and phone number at the bottom of the form in case Judiciary has any questions

## Judge must complete the following at the top of the form:

- ▶ Judge's name, printed
- ▶ Date the trial began and the date the witness was released
- ▶ Judge's signature and date he or she signed form
- ▶ Judicial district and county name

## Checklist for Form Completion:

- ▶ Is witness name, social security number and address correct and legible?
- ▶ Has the witness signature been notarized?
- ▶ Has a clerk signed and noted that the witness claim has been filed with the county?
- ▶ Has the judge signed the form and entered a release date for the witness?
- ▶ Are the number of round trips indicated on the form?
- ▶ If county is receiving any part of the reimbursement, has the witness signed in the bottom section and the amount due county noted?
- ▶ Is each day itemized for the witness? For more than five days, use the reverse side of the form.
- ▶ If any expenses are for public transportation (airfare, taxi, shuttle, rental car), are receipts attached?
- ▶ Is there a contact name and phone number from the county at the bottom of the form in case the Comptroller's Judiciary has questions?

Mail completed form,  
73-316 (Rev. 08-08/10), to:

Comptroller Judiciary  
P.O. Box 13528  
Austin, Texas 78711-3528

E-mail [judiciary@cpa.state.tx.us](mailto:judiciary@cpa.state.tx.us)  
Call (800) 531-5441, ext. 6-5985  
for assistance

State Mileage Guide Web address:  
[www.window.state.tx.us/comptrol/texastra.html](http://www.window.state.tx.us/comptrol/texastra.html)



## Eligibility Criteria

▶ The witness must reside outside the county in which the trial is held. A witness who lives in the county where the trial is held but is vacationing or working

outside the county at the time he or she is required to attend the trial is not eligible for reimbursement of travel expenses.

- ▶ Confinement in jail must be a permissible punishment for the offense for which the defendant is charged. Confinement in a juvenile detention center does not meet this requirement. This does include Class A misdemeanor charges.
- ▶ The claim must be filed with the Comptroller's office within 12 months from the date the witness is released from further court attendance. Any claim filed after the 12-month period is not eligible for payment.
- ▶ Witnesses requested, subpoenaed or summoned for grand jury proceedings, habeas corpus proceedings, pre-trial hearings, courts of inquiry and examining trials are eligible to be reimbursed if they reside outside the county of the request.
- ▶ Expenses of minor children who travel with a witness are eligible for reimbursement if the child is also subpoenaed as a witness, in which case a separate claim form, if possible, must be completed and filed with the Comptroller's office.
- ▶ Parents or guardians of a minor (must be under 18 years of age) can be reimbursed when they are required to travel with a minor witness. The minor witness's name must be included on the claim form.

## Witness Expense Guidelines

### Lost Wages:

The state will NOT reimburse witnesses for wages lost while appearing as a witness.

### Mileage:

Mileage is only reimbursable if the witness traveled in a personal automobile from the witness's residence to the city the trial was held. There is a place on the form for the witness to mark if he or she traveled in a personal automobile. Mileage is verified by the Comptroller's Official Mileage Guide. This guide can be accessed on the Internet ([www.window.state.tx.us/comptrol/texastra.html](http://www.window.state.tx.us/comptrol/texastra.html)). You may also call the Comptroller's Judiciary Section for assistance.

Period	Rate
01-01-08 thru 06-30-08	50.5 cents/mile (0.505)
07-01-08 thru 12-31-08	58.5 cents/mile (0.585)
Beginning 01-01-09	55.0 cents/mile (0.550)

### Rental Car:

When a witness is required to stay at the trial for an extended period, the cost of a rental car for daily trips between the place of lodging and the courthouse may be reimbursed if approved by the judge, and if it is the most economical method of transportation available, as opposed to a taxi or bus. When a witness must rent a car to travel to the trial, the witness may be reimbursed for either the car rental charges plus gasoline or the applicable reimbursement rate. Reimbursement cannot be claimed for both. A copy of the rental invoice must be submitted with the claim.

### Meals:

Meals can be reimbursed at actual cost, not to exceed \$36 per day.

### Parking:

Reasonable and necessary parking fees are reimbursable. Receipts are required.

### Taxi:

Taxi expenses are reimbursable. Receipts are required. Tips are not reimbursable.

### Hotel Expenses:

The maximum allowance for lodging is actual cost, not to exceed \$85 per day. In addition to the \$85, all applicable hotel tax is reimbursable.

### Childcare:

Childcare expenses are not reimbursable for minors, even if required for the witness to attend the trial.

### Phone Calls:

No phone expenses are reimbursable.

## Completing the Form

### Witness/county must complete:

- ▶ Name, address and social security number. Address must be legible; it is used to mail the check to the witness. If possible, please type
- ▶ Daily expenses, totals expenses claimed, total due witness, and total due county
- ▶ Notarized signature in the center of the form
- ▶ Signature at bottom of form if county is due money

Call us with questions at: (800) 531-5441, ext 6-5985.

The witness form is located at [www.window.state.tx.us/taxinfo/taxforms/40-forms.html](http://www.window.state.tx.us/taxinfo/taxforms/40-forms.html)