

1 **Rule 4-405. Juror and witness fees and expenses.**

2 Intent:

3 To develop a uniform procedure for payment of juror and witness
4 expenses.

5 Applicability:

6 This rule shall apply to all trial courts of record.

7 Statement of the Rule:

8 (1) Fees.

9 (1)(A) The courts shall pay the fee established by statute for all jurors of
10 the courts of record. The courts shall pay the fee established by statute for
11 witnesses subpoenaed by the prosecutor or by an indigent defendant in
12 criminal cases in the courts of record and in actions in the juvenile court. The
13 courts shall pay no fee to a witness appearing for a hearing that was canceled
14 or postponed with at least 24 hours notice to the parties, excluding Saturdays,
15 Sundays, and holidays. The parties shall notify witnesses when a hearing is
16 canceled or postponed.

17 (1)(B) A subsequent day of attendance shall be:

18 (1)(B)(i) for a witness, attendance on a subsequent day of the hearing
19 regardless of whether the hearing is continued to a contiguous business day,
20 but only if the hearing was actually called on the first day; and

21 (1)(B)(ii) for a juror, attendance on a subsequent day during the juror's term
22 of availability, as defined in Rule 4-404(3)(B), regardless of whether
23 attendance is for the same trial.

24 (1)(C) A witness requesting payment shall present a subpoena on which
25 appears the certification of the attorney general, county attorney, district
26 attorney or legal defender of the number of days the witness attended court,
27 as defined in subsection (1)(B).

28 (2) Mileage. The courts shall reimburse the cost of travel at the rate
29 established by statute for those jurors and witnesses to whom the court pays
30 a fee. A witness in a criminal case or juvenile court case traveling from out of
31 state to whom the court pays a witness fee shall be reimbursed the cost of
32 round trip airfare or round trip travel at \$.20 per mile, as determined by the
33 court.

34 (3) Meals and refreshments.

35 (3)(A) Meals for jurors shall be provided if the case has been submitted to
36 the jury and the jury is in the process of deliberating the verdict or if the jury is
37 sequestered. A lunch meal may be provided to jurors impaneled to try a case
38 if it is anticipated that the matter will not be concluded by 2:00 p.m. on the final
39 day of trial and the trial judge finds that provision of a lunch meal will assist in
40 expediting the conclusion of the trial.

41 (3)(B) A witness in a criminal case or a juvenile court case traveling from
42 outside the county to whom the court pays a witness fee may be reimbursed
43 for meals.

44 (3)(C) Payment for meals for jurors and eligible in-state witnesses shall not
45 exceed the rates adopted by the Department of Administrative Services.

46 (3)(D) Refreshments may be provided to a jury during the course of trial,
47 upon order of the judge. Payment for refreshments shall not exceed ~~\$34~~.00
48 per person per day.

49 (4) Lodging. Lodging for jurors shall be paid if the judge orders the jury
50 sequestered, if the juror must travel more than 100 miles one-way from the
51 juror's residence to the courthouse and the judge orders that lodging be paid,
52 or if the judge orders that lodging be paid due to inclement weather. A witness
53 in a criminal case or juvenile court case to whom the court pays a witness fee
54 traveling from outside the county shall be provided lodging only upon a

55 determination by the court executive that returning to the point of origin on the
56 date in question places a hardship upon the witness or that the
57 reimbursement for travel for repeat appearances is greater than the cost of
58 lodging. Unless unavailable, lodging costs shall not exceed the rates adopted
59 by the Department of Administrative Services.

60 (5) Method and record of payment.

61 (5)(A) The payment of juror and witness fees and mileage shall be by
62 check made payable to the individual, or the court may reimburse the county
63 or municipal government for the payment of the fee or mileage allowance.

64 (5)(B) The court shall pay eligible expenses of jurors directly to the vendor.
65 Jurors shall not be required to incur the expense and seek reimbursement.
66 The court may pay the eligible expenses of witnesses directly to the vendor or
67 may reimburse the witness or the county or municipal government for the
68 expense.

69 (5)(C) Jurors. Jurors must present a summons for payment for the first day
70 of service. If a juror does not present a summons, the clerk may certify that
71 the juror was summoned. The clerk shall file the summons and shall record
72 the attendance of jurors for payment, including subsequent days of service.

73 (5)(D) Witnesses in criminal cases and juvenile court cases. Witnesses in
74 criminal cases and juvenile court cases must present a subpoena for
75 payment. If the subpoena is issued on behalf of an indigent defendant, it shall
76 bear the certificate of defense counsel that the witness has appeared on
77 behalf of the defendant at state expense, regardless of the number of days for
78 which the witness is eligible for payment. If the subpoena is issued on behalf
79 of the prosecution, the prosecutor shall certify the number of days and the
80 number of miles for which the witness is eligible for payment. The clerk shall
81 file the subpoena and record of attendance. If a witness does not present a

82 subpoena, the clerk may record the witness' attendance and mailing address
83 that is certified by the prosecutor or defense counsel.

84 (5)(E) The clerk of the court shall enter the payment due the juror or
85 witness in the State Accounting System (FINET) within 10 calendar days after
86 receipt of certification. The state will mail the payment to the juror or witness
87 within 3 days. The clerk of court shall maintain both a list of undeliverable juror
88 and witness checks and the checks. A payment is considered abandoned one
89 year after it became payable and will be sent to the Division of Unclaimed
90 Property pursuant to the Utah Code.

91 (6) Audit of records. At least once per month, the clerk of the court or a
92 designee shall compare the jurors summoned and the witnesses subpoenaed
93 with the FINET log of payments. Any unauthorized payment or other
94 irregularity shall be reported to the court executive and the audit department
95 of the Administrative Office of the Courts. The Administrative Office of the
96 Courts shall include the audit of juror and witness payments within the scope
97 of their regularly scheduled audits.