

IN THE SENATE

SENATE BILL NO. 1213

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO PROCEEDINGS IN THE MAGISTRATE'S DIVISION OF THE DISTRICT COURT;
2 AMENDING SECTION 19-3945, IDAHO CODE, TO REVISE PROVISIONS RELATING TO
3 JURORS' AND WITNESSES' FEES AND MILEAGE AND TO MAKE A TECHNICAL CORREC-
4 TION.
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6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 19-3945, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 19-3945. JURORS AND WITNESSES -- FEES AND MILEAGE -- APPLICATION FOR
10 SUBPOENAS. Witnesses before ~~examining magistrates~~ a special inquiry judge
11 and in criminal cases in the ~~probate and justice~~ magistrate division of dis-
12 trict courts, and jurors, and witnesses in a coroner's inquest, are entitled
13 to ~~four dollars (\$4.00) per day for each day actually engaged in the trial~~
14 ~~of a case, and twenty-five cents (25¢) per mile, one way~~ the same fees and
15 mileage as provided in section 19-3008, Idaho Code, for witnesses in crimi-
16 nal proceedings in the district court, which must be paid out of the county
17 treasury; provided, however, that when the state or the defendant requires
18 the attendance of more than three (3) witnesses in its or his behalf, before
19 such witnesses shall be subpoenaed at the county expense, or their fees and
20 mileages be a charge against the county, the county attorney or defendant
21 must make affidavit setting forth that they are witnesses whose evidence is
22 material for the state or the defense, and the facts showing such material-
23 ity, and that it or he ~~can not~~ cannot safely go to trial without them. In such
24 case or cases, the court or judge thereof, at the time the application is made
25 therefor, shall order a subpoena to issue to such of said witnesses as the
26 court or judge thereof may deem material for the state or defendant, and the
27 costs incurred by the process, and the fees and mileage of such witnesses,
28 shall be paid in the same manner that the costs and fees of other witnesses
29 are paid. Jurors in a coroner's inquest are entitled to the mileage and per
30 diem payments as provided for jurors in section 2-215, Idaho Code.