

HOUSE No. 2192

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 1, 1949.

The Committee on Legal Affairs, to whom were referred the petition (accompanied by bill, Senate, No. 261) of Charles W. Olson for legislation relative to witness fees to certain police officers in criminal cases, the petition (accompanied by bill, House, No. 514) of James H. Burns and others relative to payment of witness fees to certain police officers in criminal cases, the petition (accompanied by bill, House, No. 515) of the Massachusetts Chiefs of Police Association relative to payment of witness fees to certain police officers in criminal cases, and the petition (accompanied by bill, House, No. 516) of the Massachusetts Chiefs of Police Association for legislation relative to payment of witness fees, report the accompanying bill (House, No. 2192).

For the committee,

KENDALL A. SANDERSON.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Nine.

AN ACT RELATIVE TO THE PAYMENT OF WITNESS FEES
TO CERTAIN POLICE OFFICERS IN CRIMINAL CASES.

*Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows:*

1 Chapter 262 of the General Laws is hereby amended
2 by striking out section 53, as most recently amended
3 by chapter 181 of the acts of 1947, and inserting in
4 place thereof the following sections: —

5 *Section 53.* Any police officer on duty at night, on
6 vacation, furlough or on a day off, who attends as a
7 witness in a criminal case pending in a district court,
8 including the municipal court of the city of Boston,
9 or before a trial justice, shall be allowed a witness
10 fee in the amount of three dollars for each day's
11 attendance, except his first attendance as arresting
12 officer in the case. Any police officer on duty at
13 night, vacation, furlough or on a day off, who attends
14 as a witness in a criminal case pending in a district
15 court, including the municipal court of the city of
16 Boston, or before a trial justice, and who by reason
17 of a continuance or postponement thereof, is required
18 to again attend, shall be paid the amount of three
19 dollars for each day of such further attendance. Any
20 police officer on duty at night, vacation, furlough or on
21 a day off, who attends the superior court as a witness

22 for the commonwealth shall be paid a witness fee in
23 the amount of five dollars for each day's attendance.
24 A police officer who is a witness for the common-
25 wealth, and who under the direction of the district
26 attorney aids in securing the attendance of other
27 witnesses, may receive, instead of his expenses,
28 witness fees in the amount of five dollars for one day's
29 attendance. Police officers shall serve subpoenas
30 upon witnesses when requested by the district at-
31 torney, and their returns of service shall have the same
32 force and effect as the return of a deputy sheriff or
33 constable.

34 *Section 53A.* Any police officer named in section
35 fifty, and section fifty-three, who attends as a witness
36 at a place other than his residence in a criminal case
37 pending in a district court or before a trial justice,
38 including the municipal court of Boston, and the
39 superior court of the commonwealth shall be paid
40 five cents a mile for travel out and home for each
41 day's attendance. Each officer shall certify in writing
42 the amount of his travel and attendance. Such pay-
43 ments shall be in addition to his other expenses
44 necessarily and actually incurred as provided for in
45 section fifty and shall be paid in the same manner
46 as such expenses are required to be paid by section
47 fifty.

- 22 for the amount of five dollars for each day's attendance.
- 23 the amount of five dollars for each day's attendance.
- 24 / police officer who is a witness for the common-
- 25 weight and who under the direction of the district
- 26 attorney and in meeting the attendance of other
- 27 witnesses, may receive instead of his expenses,
- 28 witness fee in the amount of five dollars in each day's
- 29 attendance. Police officers shall serve subpoenas
- 30 upon witnesses when requested by the district at-
- 31 torney, and their return of service shall have the same
- 32 force and effect as the return of a deputy sheriff or
- 33 constable.
- 34 Section 214. The police officer named in section
- 35 213, and section 213-1/2, who attends and returns
- 36 an affidavit to the district attorney in a case of non-
- 37 pending in a district court or before a trial justice,
- 38 including the township court of Detroit, and the
- 39 superior court of the municipality shall be paid
- 40 five cents a minute for his attendance, and for each
- 41 minute of his travel and return to and from
- 42 the court of the court and attendance. The dis-
- 43 tinct shall be in addition to the other expenses
- 44 necessarily and actually incurred in attending for a
- 45 section 213 and shall be paid to the same extent
- 46 as such expenses are reported on to the district
- 47 attorney.
- 48 Section 215. The district attorney shall be paid for
- 49 his services in the same manner as the district
- 50 attorney in the same manner as the district
- 51 attorney in the same manner as the district
- 52 attorney in the same manner as the district
- 53 attorney in the same manner as the district
- 54 attorney in the same manner as the district
- 55 attorney in the same manner as the district
- 56 attorney in the same manner as the district
- 57 attorney in the same manner as the district
- 58 attorney in the same manner as the district
- 59 attorney in the same manner as the district
- 60 attorney in the same manner as the district