

By Mr. Flynn of Malden, petition of the Massachusetts Police Association for legislation to increase witness fees payable to police officers for court appearances. Legal Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Two.

AN ACT INCREASING WITNESS FEES FOR COURT APPEARANCES.

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

1 SECTION 1. Section 53 of chapter 262 of the General Laws, as
2 most recently amended by chapter 422 of the acts of 1958, is
3 hereby further amended by striking out, in lines 6, 14, 18 and 22,
4 the word "three" and inserting in place thereof, in each instance,
5 the word:—four,—so as to read as follows:—*Section 53.*
6 Any police officer, or employee of the registry of motor vehicles
7 having police powers, on duty at night, on vacation, furlough
8 or on a day off, who attends as a witness in a criminal case pend-
9 ing in a district court, including the municipal court of the city
10 of Boston, or in a juvenile court, including Boston juvenile
11 court, shall be allowed a witness fee in the amount of four dollars
12 for each day's attendance, including his first attendance as
13 arresting officer in the case. Any police officer, or employee of
14 the registry of motor vehicles having police powers, on duty at
15 night, vacation, furlough or on a day off, who attends as a
16 witness in a criminal case pending in a district court, including
17 the municipal court of the city of Boston, or in a juvenile court,
18 including Boston juvenile court, and who by reason of a con-
19 tinuance or postponement thereof, is required to again attend,
20 shall be paid the amount of four dollars for each day of such
21 further attendance. Any police officer, or employee of the
22 registry of motor vehicles having police powers, on duty at night,
23 vacation, furlough or on a day off, who attends the superior
24 court as a witness for the commonwealth shall be paid a witness
25 fee in the amount of four dollars for each day's attendance. A

26 police officer who is a witness for the commonwealth, and who
27 under the direction of the district attorney aids in securing the
28 attendance of other witnesses, may receive, instead of his ex-
29 penses, witness fees in the amount of four dollars for one day's
30 attendance. Police officers shall serve subpoenas upon witnesses
31 when requested by the district attorney, and their returns of
32 service shall have the same force and effect as the return of a
33 deputy sheriff or constable.

1 SECTION 2. Section 53B of said chapter 262, as most recently
2 amended by chapter 567 of the acts of 1959, is hereby further
3 amended by striking out, in line 7, the word "three" and insert-
4 ing in place thereof the word:— four, — so as to read as fol-
5 lows:— *Section 53B.* Any officer of the division of state police
6 in the department of public safety, appointed under section six
7 or nine A of chapter twenty-two, on duty at night, or on vaca-
8 tion or furlough, or on a day off, who attends as a witness in a
9 civil or criminal case pending in a district court or in the superior
10 court shall be allowed a witness fee in the amount of four dollars
11 for each day's attendance, including his first day's attendance as
12 arresting officer. Any such officer who attends court held at a
13 place other than his residence or regularly assigned station or
14 office in a criminal case pending in any court of the common-
15 wealth shall be paid at the rate of five cents a mile for travel out
16 and home for each day's attendance, except that travel allow-
17 ance shall not be allowed when such travel is made in state-
18 owned vehicles. Each officer shall certify in writing under the
19 penalties of perjury the amount of his travel and attendance.
20 Such payments shall be in addition to his other expenses neces-
21 sarily and actually incurred as provided for in section fifty and
22 shall be paid in the same manner.

1 SECTION 3. Section 29 of said chapter 262 is hereby amended
2 by striking out, in line nine, the word "three" and inserting
3 in place thereof the word:— four, — so as to read as follows:—
4 *Section 29.* The fees for attending as a witness before the general
5 court, the land court, a probate court or court of insolvency, a
6 district court, county commissioners, a referee, an arbitrator,
7 the department of industrial accidents or the board of concilia-
8 tion and arbitration, or on any other occasion for which no
9 express provision is made, or allowed to persons, except the

10 debtor, who are examined under section eighty-two of chapter
11 two hundred and sixteen, unless fraudulent conduct is charged
12 and proved against them, shall be four dollars a day, and five
13 cents a mile for travel out and home; provided, that if the wit-
14 ness has a usual place of business or employment in the city or
15 town where the court trial or hearing is held, travel shall be
16 reckoned out and to such place of business or employment, and
17 not out and home. Each witness shall certify in writing the
18 amount of his travel and attendance.

