

Rule 113. Witness Fees

(a) Amounts.

(1) Fees. Except as hereinafter provided, each witness attending Court or a deposition pursuant to any rule or order of a court shall receive \$ 40 for each day's attendance and for the time necessarily occupied in going to and returning from the same. An expert witness shall receive such amount as the expert witness is entitled to by law. A witness detained for want of security for the witness's appearance shall be entitled to \$ 1 for each day's attendance. No witness fee shall be paid to an employee of the United States or any agency thereof or of the District of Columbia who has been called as a witness on behalf of the United States or the District of Columbia.

(2) Travel allowance. Except as hereinafter provided, each witness shall receive a per mile travel allowance as provided by D.C. Code §15-714 for going from and returning to the witness's residence. Regardless of the mode of travel employed by the witness, computation of mileage shall be made on the basis of a uniform table of distances as provided under 28 U.S.C. §1821. A witness who is an employee of the United States or any agency thereof and is called to testify in the witness's official capacity or produce an official record shall be paid a travel allowance fixed by applicable statutes and regulations. No witness residing in the District of Columbia shall be entitled to a travel allowance. No witness detained for want of security for the witness's appearance shall be entitled to a travel allowance.

(3) Subsistence. Except as hereinafter provided, a witness attending Court or a deposition at a place so far removed from the witness's residence as to prohibit return thereto from day to day shall be entitled to an additional allowance fixed by statute for expenses of subsistence including the time necessarily occupied in going to and returning from the place of attendance. A witness detained in prison for want of security for the witness's appearance shall be entitled to the witness's subsistence. An officer or employee of the United States or any agency thereof summoned as a witness on behalf of the United States shall receive a per diem allowance in lieu of subsistence. Such per diem shall be fixed at a rate prescribed by law.

(b) Payment from public funds. No witness entitled to any payment under paragraph (a) shall be paid from public funds except upon certification of the witness that the witness was compelled by subpoena to attend as a witness on behalf of a defendant unable to pay or was present pursuant to the direction of the Court or prosecutor, in a specified pending criminal case and that the witness did attend. Such certification shall be endorsed by the Court or by the counsel of record issuing the subpoena or direction and shall be submitted to the Clerk of the Court for certification. The Executive Officer upon submission of the endorsed and verified certification shall make payment by cash or check.

(c) No payment of fee or allowance after voluntary appearance. No person who appears in Court for a judicial proceeding or at a deposition shall be paid a fee or allowance unless subpoenaed or present pursuant to direction of the Court or prosecutor.

(d) One fee rule. No person under subpoena to attend in a number of pending criminal cases shall be permitted to receive more than 1 fee or allowance for attendance on any 1 day.

(e) Construction. This Rule shall not be construed to supersede or conflict with any statute of the United States or regulation promulgated thereunder or any statute of the District of Columbia.