

Rule 4-405. Juror and ~~w~~Witness ~~f~~Fees and ~~e~~Expenses.**Intent:**

To develop ~~a~~ uniform procedures s for payment of juror and witness expenses.

Applicability:

This rule ~~shall apply~~ applies to juvenile and district courts. ~~all trial courts of record~~.

Statement of the Rule:**(1) Fees.**

(1)(A) The C~~e~~ourts ~~shall~~will pay the fee established by statute for all jurors, ~~of the courts of record. The courts shall~~will pay the fee established by statute for witnesses subpoenaed by the prosecutor or by an indigent defendant in criminal cases, ~~in the courts of record and in~~ actions in ~~the~~ juvenile court. The C~~e~~ourts ~~shall~~will not pay ~~no~~ a fee to a witness appearing for a hearing that was canceled or postponed with at least 24 hours' notice to the parties, excluding Saturdays, Sundays, and holidays. The parties ~~shall~~will notify witnesses when a hearing is canceled or postponed. Upon request, a civil witness's necessary and reasonable parking expenses ~~shall~~will be reimbursed by the attorney who issued the subpoena.

(1)(B) ~~A~~ “Subsequent day of attendance” in Utah Code section 78B-1-119 means ~~shall be:~~

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

(1)(B)(ii) for a juror, attendance on a subsequent day during the juror's term of availability, as defined in Rule 4-404 ~~(2)(B)~~, regardless of whether attendance is for the same trial.

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

(2) **Mileage.** The C~~e~~ourts ~~shall~~will reimburse the cost of travel at the rate established by statute for those jurors and witnesses to whom the C~~e~~court pays a fee. A witness in a criminal case or juvenile court case traveling from out of state to whom the C~~e~~court pays a witness fee ~~shall~~will be reimbursed the cost of round-trip airfare or round-trip travel at \$.20 per mile, as determined by the C~~e~~court.

(3) Meals and refreshments.

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

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

(3)(C) Payment for meals for jurors and eligible in-state witnesses ~~shall~~ must not exceed the rates ~~adopted by the Department of Administrative Services~~ found on the U.S. General Services Administration website for the city in which the meal was provided.

(3)(D) Refreshments may be provided to a jury during the course of trial, ~~upon order of the judge~~. Payment for refreshments ~~shall~~ must not exceed the per diem per day break rates found in Section 07-03.00 of the Accounting Manual ~~State Department of Finance per diem rate per person per day~~.

(4) Lodging. The Court will pay for jurors' ~~Lodging for jurors shall~~ will be paid if the judge orders the jury sequestered, if the juror must travel more than 100 miles one-way from the juror's residence to the courthouse and the judge orders that lodging be paid, or if the judge orders that lodging be paid due to inclement weather. A witness in a criminal case or juvenile court case to whom the court pays a witness fee traveling from outside the county ~~shall~~ will be provided lodging only upon a determination by the Trial Court ~~E~~xecutive that returning to the point of origin on the date in question places a hardship upon the witness or that the reimbursement for travel for repeat appearances is greater than the cost of lodging. Unless unavailable, lodging costs ~~shall~~ must not exceed the rates found on the U.S. General Services Administration website for the city in which the lodging was provided ~~adopted by the Department of Administrative Services~~.

(5) Method and record of payment.

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

(5)(B) The Court ~~shall~~ will pay eligible juror expenses ~~of jurors~~ directly to the vendor. Jurors ~~shall~~ will not be required to incur the expense and seek reimbursement. The Court may pay ~~the~~ eligible witness expenses ~~of witnesses~~ directly to the vendor or may reimburse the witness or the county or municipal government for the expense.

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

(5)(D) **Witnesses in criminal cases and juvenile court cases.** Witnesses in criminal cases and juvenile court cases must present a subpoena for payment. If the subpoena is issued on behalf of an indigent defendant, it ~~shall must~~ bear the certificate of defense counsel that the witness has appeared on behalf of the defendant at state expense, regardless of the number of days for which the witness is eligible for payment. If the subpoena is issued on behalf of the prosecution, the prosecutor ~~shall must~~ certify the number of days and the number of miles for which the witness is eligible for payment. The ~~clerk-Court shall must~~ file the subpoena and record of attendance. If a witness does not present a subpoena, the ~~clerk-Court~~ may record the witness' attendance and mailing address that is certified by the prosecutor or defense counsel.

(5)(E) The ~~Court Clerk of the court~~, or designee, ~~shall must~~ enter the payment due the witness in the ~~sState aAccounting sSystem (FINET)~~ within 10 business days after receipt of certification.

(5)(F) The ~~Court Clerk of the court~~, or designee, ~~shall must~~ enter the payment due the juror into the ~~jJury mManagement sSystem~~ within 10 business days from the last court date served.

(5)(G) The ~~Court Clerk of court shall must~~ maintain both a list of undeliverable juror and witness checks and the checks. State Finance reports all state-~~dated~~ checks to the Unclaimed Property Division and the ~~Ce~~court destroys the checks.

(6) **Audit of records.** The Administrative Office ~~of the Courts~~ audit program ~~shall must~~ include an audit of juror and witness payments within the scope of their regularly scheduled audits.

Effective: ~~May 1, 2019~~November 1, 2026