



Witness Fee Claims Guidelines



Witness should check the applicable boxes or fill the following blanks to indicate:

- If the witness was summoned or subpoenaed;
- If request came from court or prosecuting attorney;
- The county the summons was received in;
- Whether the witness used a personal automobile;
- How many round trips the witness made if he or she used a personal auto;
- Total mileage requested multiplied by the current reimbursement rate; and
- Total miles by highway.

County must complete:

- Notarized witness signature;
- Defendant name, case number, type of case and any change of venue;
- Date and which county or district the claim was filed in and clerk signature (located to the right of the witness name and mailing address); and
- County name and phone number at the bottom of the form in case Judiciary has any questions.

Judge must complete the following at the top of the form:

- Judge's name, printed;
- Date the trial began and the date the witness was released;
- Judge's signature and date he or she signed form; and
- Judicial district and county name.

Checklist for Form Completion:

- Are witness name, social security number and address correct and legible?
- Has the witness signature been notarized?
- Has a clerk signed and noted that the witness claim has been filed with the county?
- Has the judge signed the form and entered a release date for the witness?
- Are the number of round trips indicated on the form?
- If the county is receiving any part of the reimbursement, has the witness signed in the bottom section and the amount due to the county noted?
- Is each day itemized for the witness? For more than five days, use the reverse side of the form.
- If any expenses are for public transportation (airfare, taxi, shuttle, rental car), are receipts attached?
- Is there a contact name and phone number from the county at the bottom of the form in case the Comptroller's Judiciary has questions?
- Are all the signatures original?

**Mail completed form,
73-316 (Rev. 9-14/16), to:**

**Comptroller Judiciary
P.O. Box 13528
Austin, Texas 78711-3528**

**Email judiciary@cpa.texas.gov
Call 1-800-531-5441, ext. 6-5985
for assistance**

Eligibility Criteria

- The witness must reside outside the county in which the trial is held. A witness who lives in the county where the trial is held but is vacationing or working outside the county at the time he or she is required to attend the trial is not eligible for reimbursement of travel expenses.
- Confinement in jail must be a permissible punishment for the offense for which the defendant is charged. Confinement in a juvenile detention center does not meet this requirement. This does include Class A misdemeanor charges.
- The claim must be filed with the Comptroller's office within 12 months from the date the witness is released from further court attendance. Any claim filed after the 12-month period is not eligible for payment.
- Witnesses requested, subpoenaed or summoned for grand jury proceedings, habeas corpus proceedings, pre-trial hearings, courts of inquiry and examining trials are eligible to be reimbursed if they reside outside the county of the request.
- Expenses of minor children who travel with a witness are eligible for reimbursement if the child is also subpoenaed as a witness, in which case a separate claim form, if possible, must be completed and filed with the Comptroller's office.
- Parents or guardians of a minor (must be under 18 years of age) can be reimbursed when they are required to travel with a minor witness. The minor witness's name must be included on the claim form.

Witness Expense Guidelines

Lost Wages:

The state will NOT reimburse witnesses for wages lost while appearing as a witness.

Mileage:

Mileage is only reimbursable if the witness traveled in a personal automobile from the witness's residence to the city where the trial was held. There is a place on the form for the witness to mark if he or she traveled in a personal automobile. The number of miles traveled may be determined by point-to-point itemization. Point-to-point mileage may be documented by a witness vehicle before and after odometer reading or by the "Mapquest"® online mapping service. The name of the Mapping Service used and a copy of the mileage calculation must be attached to the witness claim form. You may also call the Comptroller's Judiciary Section for assistance.

Period	Rate
01-01-15 thru 12-31-15	\$.575 cents/mile
Beginning 01-01-16	\$.54 cents/mile

Rental Car:

When a witness is required to stay at the trial for an extended period, the cost of a rental car for daily trips between the place of lodging and the courthouse may be reimbursed if approved by the judge, and if it is the most economical method of transportation available, as opposed to a taxi or bus. When a witness must rent a car to travel to the trial, the witness will be reimbursed for the car rental charges plus gasoline. Reimbursement cannot be claimed for mileage. A copy of the rental invoice and gas receipts must be submitted with the claim.

Meals:

Meals can be reimbursed at actual cost, not to exceed \$51 per day. For special rates in some Texas cities, go to www.gsa.gov/perdiem and click on the 2016 Texas rates.

Parking:

Reasonable and necessary parking fees are reimbursable. Receipts are required.

Taxi:

Taxi expenses are reimbursable. Receipts are required. Tips are not reimbursable.

Hotel Expenses:

The maximum allowance for lodging is actual cost, not to exceed \$89 per day. In addition to the \$89, all applicable hotel tax is reimbursable. For special rates in some Texas cities, go to www.gsa.gov/perdiem and click on the 2016 Texas rates.

Childcare:

Childcare expenses are not reimbursable for minors, even if required for the witness to attend the trial.

Phone Calls:

No phone expenses are reimbursable.

Completing the Form

Witness/county must complete:

- Name, address and social security number. Address must be legible; it is used to mail the check to the witness. If possible, please type;
- Daily expenses, total expenses claimed, total due witness, and total due county;
- Notarized signature in the center of the form;
- Signature at bottom of form if county is due money.



Call us with questions at: 1-800-531-5441, ext 6-5985.

The witness form is located at www.comptroller.texas.gov/taxinfo/taxforms/40-forms.html