WITNESS FEE REIMBURSEMENT REQUEST

OFFICE OF ATTORNEY GENERAL

SFN 52850 (1/2019)

PART A - WITNESS INFORMATION				
Name of Witness	Address	City	State	ZIP Code

Departure from Home		Arrival in City of Trial		Departure from City of Trial		Arrival Home	
Date	Time	Date	Time	Date	Time	Date	Time

PART B - COURT INFORMATION	
County	Case Name
Criminal Case Number	Juvenile Case Number

CHECK ONE ☐ Criminal Case/Juvenile Case Prosecution Witness ☐ Criminal Case Expert Witness ☐ Juvenile Case Defense Witness

COMPLETE THE BLANKS BELOW FOR CRIMINAL PROSECUTION WITNESS OR UNIFORM JUVENILE COURT CASE PROSECUTION OR DEFENSE WITNESS FEES AND EXPENSES. SEE GENERAL GUIDELINES.

PART C - WITNESS FEES			
Date(s) Served From To	Witness Fee - $25.00/day	Number of Days	**TOTAL**

PART D - MEAL EXPENSES - SEE NDCC 44-08-04(2)		
MEALS	NUMBER OF MEALS	COST
Breakfast - per diem 20%		
Lunch - per diem 30%		
Dinner - per diem 50%		
	TOTAL	

PART E - IN-STATE LODGING EXPENSES	COST
Lodging - Current rate listed in NDCC 44-08-04(2) plus taxes (documentation must be attached).	
PART F - OUT-OF-STATE LODGING EXPENSES	COST
Lodging - Actual cost (documentation must be attached).	
PART G - TRAVEL EXPENSES	COST
Actual fare (airline, train, bus or taxi) - Documentation showing actual cost must be attached. Tips are not reimbursable.	
TOTAL	

PART H - NUMBER OF MILES DRIVEN			
DESCRIPTION	NUMBER OF MILES	MILEAGE RATE	COST
Travel within North Dakota's borders AND within a 300-mile radius of North Dakota's borders. See General Guidelines.		$.58/mile	
Travel with TWO OR MORE WITNESSES or A MINOR WITNESS AND PARENT/LEGAL GUARDIAN in the vehicle AND travel outside a 300-mile radius of North Dakota's borders. See General Guidelines.		$.58/mile	
Travel outside of a 300-mile radius of North Dakota's borders with ONE WITNESS in the vehicle. See General Guidelines.		$.18/mile	
		TOTAL	
REIMBURSABLE GRAND TOTAL (Sum of Parts C, D, E, F, G and H Totals)			

COMPLETE THE BLANKS BELOW FOR EXPERT WITNESS FEES AND EXPENSES. SEE GENERAL GUIDELINES.

PART I - EXPERT WITNESS FEES AND EXPENSES

Did the Expert Witness testify? ☐ Yes ☐ No

If the answer above is "NO", complete Parts C through F above (instead of Part G) to request reimbursements for this witness.

Is an Order signed by a District Court Judge directing the Office of Attorney General to pay Expert Witness fees and travel expenses attached to this request for reimbursement? ☐ Yes ☐ No

If the answer to the question above is "NO", do not continue until such a signed Order has been obtained.

DESCRIPTION OF COSTS	COST
Expert Witness fees - attach invoice/statement	
Travel expenses - attach necessary documentation	
REIMBURSABLE GRAND TOTAL (Total Costs of Part I)	

WITNESS CERTIFICATION

I certify that the witness fees and expenses above are actual fees and expenses incurred by me.

Signature	Date

AUTHORIZATION

Witness fees and expenses above are authorized to be paid to the above-named witness.

Signature of County/City Official	Date
Title	

GENERAL GUIDELINES

Witness fees and travel expenses reimbursable by the North Dakota Office of Attorney General include

- Prosecution witness fees and expenses in district court criminal proceedings (N.D.C.C. § 31-01-16).
- Prosecution expert witness fees incurred in criminal proceedings in district court are reimbursable by the Office of Attorney General only if the expert witness testifies. If a witness is identified as an "Expert Witness," the county/city must attach a copy of a signed Order from a district court judge listing the fees to be paid to the expert witness and directing the Office of Attorney General to reimburse to the county/city the fees requested by the expert witness. The Office of Attorney General will pay either the fees stated in the above Order or the $25.00 witness fee referenced in N.D.C.C. § 31-01-16, but will not pay both for the same witness. Travel expenses will be paid according to N.D.C.C. chs. 44-08 and 54-06.
- Witness fees and expenses in juvenile cases litigated under the Uniform Juvenile Court Act (N.D.C.C. ch. 27-20). NOTE: Expert witness fees for cases litigated under the Uniform Juvenile Court Act are **NOT** reimbursable by the Office of Attorney General.

A Witness Fee Reimbursement Request form must be completed and sent to the Office of Attorney General by the county/city for each witness for whom reimbursement is requested. Any Witness Fee Reimbursement Request form which is incomplete or lists a business as a witness will be returned to the county/city unpaid. When a county/city pays a business for lodging, transportation, etc., for several witnesses, the cost of the lodging, transportation, etc., for each witness should appear on the individual Witness Fee Reimbursement Request form submitted for that witness.

The Witness Fee Reimbursement Request form must be signed by an authorized county/city official (judge, state's attorney, city attorney, county auditor, city auditor, or clerk of court). Unsigned forms will be returned unpaid.

Reimbursement requests should be submitted at least quarterly, but may be submitted as often as monthly.

No payments will be made directly to witnesses. The Office of Attorney General will reimburse counties/cities for the costs of witness fees and travel expenses.

Reimbursement rates and expenses effective August 1, 2011

- Witness fee of $25 per day (N.D.C.C. § 31-01-16). Also see N.D.C.C. §§ 31-01-16.1 (Witness fees and expenses of municipal police officers) and 31-01-17 (Duplicate witness fees not permissible).
- Meal reimbursements are set out in N.D.C.C. § 44-08-04(2). Meal reimbursement for the first quarter (6 a.m. to 12 noon) is 20%, second quarter (12 noon to 6 p.m.) - 30%, and third quarter (6 p.m. to 12 midnight) - 50%.
- Meal reimbursements are paid when a witness has been in travel status for four hours or more. In order to claim the second and third quarters, a witness must be in travel status one hour before the start of the quarter being claimed and travel status must extend at least one hour into the quarter being claimed (N.D.C.C. § 44-08-04(2), (3) and (7)).
- In-state lodging is reimbursable at the amounts discussed within the Fiscal and Administrative Policy located at www.nd.gov/fiscal/ Click on "Policies" on the lefthand side of the website. Then click on Fiscal and Administrative Policy. See Policy 505 on pp. 45-46. See also N.D.C.C. § 44-08-04(2)(d). Also must be documented by a receipt or invoice.
- Out-of-state lodging is reimbursable at actual cost and must be documented by a receipt or invoice (N.D.C.C. § 44-08-04(6)).
- Fare paid to a commercial carrier (plane, train, bus, or taxi) is reimbursable at cost and must be documented by a ticket stub/receipt/invoice showing the actual cost of the fare (N.D.C.C. § 54-06-09(1)(b)). Tips are not reimbursable.
- Mileage within North Dakota and within a 300-mile radius of North Dakota's borders is reimbursable (see Fiscal and Administrative Policies, Policy 511 - Use of Personal Vehicle, and N.D.C.C. § 54-06-09(1)(a)). Mileage outside of a 300-mile radius of North Dakota's borders with **ONE WITNESS** in the vehicle is reimbursable at $.18/mile (N.D.C.C. § 54-06-09 (3)). **EXCEPTION:** Mileage outside a 300-mile radius of North Dakota's borders is reimbursable at $.58/mile if there are **TWO WITNESSES OR A MINOR WITNESS AND HIS/HER PARENT/LEGAL GUARDIAN** in the vehicle.

Other reimbursable expenses include:

- Deposition costs if the deposition is used in lieu of the witness's testimony at trial or hearing.
- Interpreter costs for witnesses testifying at trial.

NON-REIMBURSABLE EXPENSES INCLUDE

- Reimbursements for non-criminal traffic court cases.
- Jury costs.
- Investigative costs.
- Discovery deposition or depositions not used in lieu of a witness/deponent's testimony in a criminal or juvenile case.
- Defense costs, witness fees or expenses for cases NOT falling under the Uniform Juvenile Court Act.
- Except for a case falling under the Uniform Juvenile Court Act, any costs or expenses incurred in non-criminal cases.
- Jail or transportation costs.
- Any other costs or expenses not within statutory authority.

The above list is not inclusive. If you question whether an expense is reimbursable, please review the North Dakota Century Code and North Dakota Administrative Policies citations listed above or contact Finance at 701-328-2210.

REIMBURSEMENT ROSTER

COUNTY

Witness's Name	Prosecution Costs Amount Requested	Juvenile Costs Amount Requested	Amount of State Reimbursement