



# WITNESS FEE REIMBURSEMENT REQUEST

ND OFFICE OF ATTORNEY GENERAL

SFN 52850 (09-2026)

## 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            |                     |                          |                              |              |       |          |

## Part B - Court Information

|        |           |                      |                      |
|--------|-----------|----------------------|----------------------|
| County | Case Name | Criminal Case Number | Juvenile Case Number |
|--------|-----------|----------------------|----------------------|

Select 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               | Witness Fee | Number of Days | Total |
| From                      To | \$25.00/day |                |       |

## 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%    |                 |      |
| <b>Total</b>             |                 |      |

## Part E - Lodging Expenses

|                                                                                                                |      |
|----------------------------------------------------------------------------------------------------------------|------|
|                                                                                                                | Cost |
| <b>In-State Lodging</b> - Current rate listed in NDCC 44-08-04(2) plus taxes (documentation must be attached). |      |
| <b>Out-of-State Lodging</b> - Actual cost (documentation must be attached).                                    |      |
| <b>Total</b>                                                                                                   |      |

## Part F - Travel Expenses

|                                                                                                                                |      |
|--------------------------------------------------------------------------------------------------------------------------------|------|
|                                                                                                                                | Cost |
| Actual fare (airline, train, bus, or taxi) - Documentation showing actual cost must be attached.<br>Tips are not reimbursable. |      |
| <b>Total</b>                                                                                                                   |      |

| Part G - Number of Miles Driven                                                                                                                                                     |                 |              |      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------|------|
| Description                                                                                                                                                                         | Number of Miles | Mileage Rate | Cost |
| Travel within North Dakota borders AND within a 300-mile radius of North Dakota's borders. See General Guidelines.                                                                  |                 | \$.76/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 borders. See General Guidelines. |                 | \$.76/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, and G Totals)                                                                                                                    |                 |              |      |

Complete the blanks below for expert witness fees and expenses. See General Guidelines.

|                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Part H - Expert Witness Fees and Expenses</b>                                                                                                                                                                                    |
| 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? <input type="radio"/> Yes <input type="radio"/> 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 H) |      |

**Witness Certification**

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

|                   |      |
|-------------------|------|
| Witness Signature | Date |
|-------------------|------|

**Authorization**

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

|                                |       |      |
|--------------------------------|-------|------|
| County/City Official Signature | Title | Date |
|--------------------------------|-------|------|

## 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 (NDCC § 31-01-16).
- 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 NDCC § 31-01-16, but will not pay both for the same witness. Travel expenses will be paid according to NDCC chs. 44-08 and 54-06.
- Witness fees and expenses in juvenile cases litigated under the Uniform Juvenile Court Act (NDCC 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 (NDCC § 31-01-16). Also see NDCC §§ 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 NDCC § 44-08-04(2). Meal reimbursement for the first quarter (6 am to 12 noon) is 20%, second quarter (12 noon to 6 pm) - 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 (NDCC § 44-08-04(2), (3) and (7)).
- In-state lodging is reimbursable at the amounts discussed within [Office of Management and Budget Fiscal and Administrative Policy 505](#) and NDCC § 44-08-04(2)(d). You must attach a copy of the receipt or invoice.
- Out-of-state lodging is reimbursable at actual cost and must be documented by a receipt or invoice (NDCC § 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 (NDCC § 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 NDCC § 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 (NDCC § 54-06-09 (3)). **EXCEPTION:** Mileage outside a 300-mile radius of North Dakota's borders is reimbursable at \$.76/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.

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