

AMENDED IN ASSEMBLY APRIL 30, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2612

Introduced by Assembly Member Achadjian

February 24, 2012

An act to amend Section 68097.2 of the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2612, as amended, Achadjian. Courts: witness fees.

Existing law provides for subpoenaing the attendance of certain public employees, including peace officers and firefighters, with regard to events or transactions they have perceived or investigated in the course of their duties, and for the payment and reimbursement of the public employee's compensation and traveling expenses. Existing law requires the party at whose request the subpoena is issued to reimburse the employing public entity for these costs by tendering the amount of \$150 to the person accepting the subpoena for each day the public employee is required to remain in attendance pursuant to the subpoena. Existing law requires the public entity to refund any excess amount paid, and the party at whose request the subpoena is issued to pay any shortfall, relative to the actual expenses incurred by the public entity in connection with the public employee complying with the subpoena.

This bill would increase, from \$150 to ~~\$300~~ \$275, the amount required to be paid by the party at whose request the subpoena is issued for each day the public employee is required to remain in attendance pursuant to the subpoena.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 68097.2 of the Government Code is
2 amended to read:
3 68097.2. (a) Any peace officer, as that term is defined in
4 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2
5 of the Penal Code, any firefighter, any state employee, any trial
6 court employee, or any county employee, who is obliged by a
7 subpoena issued pursuant to Section 68097.1 to attend as a witness,
8 shall receive the salary or other compensation to which he or she
9 is normally entitled from the public entity by which he or she is
10 employed during the time that he or she travels to and from the
11 place where the court or other tribunal is located and while he or
12 she is required to remain at that place pursuant to the subpoena.
13 He or she shall also receive from the public entity by which he or
14 she is employed the actual necessary and reasonable traveling
15 expenses incurred by him or her in complying with the subpoena.
16 (b) The party at whose request the subpoena is issued shall
17 reimburse the public entity for the full cost to the public entity
18 incurred in paying the peace officer, firefighter, state employee,
19 trial court employee, or specified county employee his or her salary
20 or other compensation and traveling expenses as provided for in
21 this section, for each day that the peace officer, firefighter, state
22 employee, trial court employee, or specified county employee is
23 required to remain in attendance pursuant to the subpoena. The
24 amount of ~~three~~ *two hundred seventy-five* dollars ~~(\$300)~~ (\$275),
25 together with the subpoena, shall be tendered to the person
26 accepting the subpoena for each day that the peace officer,
27 firefighter, state employee, trial court employee, or specified county
28 employee is required to remain in attendance pursuant to the
29 subpoena.
30 (c) If the actual expenses should later prove to be less than the
31 amount tendered, the excess of the amount tendered shall be
32 refunded.
33 (d) If the actual expenses should later prove to be more than the
34 amount deposited, the difference shall be paid to the public entity
35 by the party at whose request the subpoena is issued.

1 (e) If a court continues a proceeding on its own motion, no
2 additional witness fee shall be required prior to the issuance of a
3 subpoena or the making of an order directing the peace officer,
4 firefighter, state employee, or trial court employee to appear on
5 the date to which the proceeding is continued.

6 (f) For the purposes of the payment of the salary or other
7 compensation of a volunteer firefighter pursuant to subdivision
8 (a), a volunteer firefighter who is subpoenaed to appear as a witness
9 in connection with a matter regarding an event or transaction that
10 he or she has perceived or investigated in the course of his or her
11 duties as a volunteer firefighter, shall be deemed to be entitled to
12 reasonable compensation evidenced by the compensation paid to
13 firefighters in jurisdictions with similar geographic and economic
14 characteristics. However, the requirements of subdivision (a) and
15 of this subdivision are not applicable if a volunteer firefighter will
16 receive his or her regular salary or other compensation pursuant
17 to the policy of his or her regular employer, for the periods during
18 which compensation is required under subdivision (a).

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