

**Chapter 2.40 RCW
WITNESSES**

Sections

- 2.40.010 Witness fees and mileage.
2.40.020 Witness fee and mileage in civil cases demandable in advance.
2.40.030 Travel expense in lieu of mileage in certain cases.
2.40.040 Attorney of record not entitled to witness fee in case.

*Discovery and depositions: Title 5 RCW; see also **Rules of Court: CR 26 through 37.***

District courts, witnesses: Chapter 12.16 RCW.

Utilities and transportation commission proceedings, witness fees: RCW 80.04.040, 81.04.040.

Witness fees and mileage in criminal cases: RCW 10.01.130, 10.01.140, 10.52.040.

Witnesses: Chapters 5.56 and 5.60 RCW.

RCW 2.40.010 Witness fees and mileage. Witnesses shall receive for each day's attendance in all courts of record of this state the same compensation per day and per mile as jurors in superior court. Witnesses in any other court shall receive for each day's attendance the same compensation per day and per mile as jurors in district court. [1987 c 202 s 106; 1977 ex.s. c 54 s 1; 1951 c 51 s 3; 1907 c 56 s 1, part; RRS s 497, part. Prior: 1903 c 151 s 1, part; 1893 p 421 s 1, part; Code 1881 s 2086, part.]

Intent—1987 c 202: See note following RCW 2.04.190.

RCW 2.40.020 Witness fee and mileage in civil cases demandable in advance. Witnesses in civil cases shall be entitled to receive, upon demand, their fees for one day's attendance, together with mileage going to the place where they are required to attend, if such demand is made to the officer or person serving the subpoena at the time of service. [Code 1881 s 2100; 1869 p 374 s 22; RRS s 507.]

RCW 2.40.030 Travel expense in lieu of mileage in certain cases. Whenever a juror, witness, or officer is required to attend a court, or travel on official business out of the limits of his or her own county, and entitled to mileage, in lieu thereof he or she may at his or her option receive his or her actual and necessary traveling expenses by the usually traveled route in going to and returning from the place where the court is held, or where the business is discharged. At the close of each term of the district court, the clerk shall ascertain the amount due each juror for his or her mileage and per diem; and he or she shall also certify the amount of fees that may be due to the sheriff of any other county than that in which the court is held, who may have attended the term, having a prisoner in custody

charged with or convicted of a crime, or for the purpose of conveying such prisoner to or from the county, which, when approved by the court or judge, shall be a charge upon the county to which the prisoner belongs; and he or she shall also certify the amount which may be due witnesses attending from another county in a criminal case for their fees, which, when approved by the court or judge, shall be a charge upon the county to which the case belongs. [2011 c 336 s 56; Code 1881 s 2109; 1869 p 419 s 7; 1863 p 424 ss 6, 8; RRS ss 509, 4230.]

County officers—Expenses: RCW 42.24.090.

Juror expense payments: RCW 2.36.150.

Salaried officers not to receive witness fees: RCW 42.16.020.

State officers—Subsistence and mileage: RCW 43.03.050, 43.03.060.

Witness fees as costs in civil actions: RCW 4.84.090.

RCW 2.40.040 Attorney of record not entitled to witness fee in case. No attorney in any case shall be allowed any fees as a witness in such case. [Code 1881 s 2095; 1869 p 374 s 17; RRS s 502.]