

Witness Fee Claims Guidelines

Clear, simple guidance for claiming mileage, hotel and meal cost fees.

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; this includes Class A misdemeanor charges. Confinement in a juvenile detention center does not meet this requirement.
- 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, pretrial hearings, courts of inquiry and examining trials are eligible to be reimbursed if they reside outside the county of the request. If someone (friend/spouse/family member) is just traveling with a witness and not subpoenaed, those expenses will not be reimbursed.
- 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. If minor child is being added to guardian/parent claim, please note in comments section of form the child's name and was a witness.
- Parents or guardians of minors under 18 can be reimbursed when they are required to travel with a minor witness. The minor witness' 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 vehicle from his or her residence to the city where the trial was held; if this is the case, the witness must mark it on the form. 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 Google Maps® 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; a Maps page does not need to be included.** Please refer to www.gsa.gov/perdiem for the current mileage rate by navigating to the Travel tab at the top of the page and selecting mileage reimbursement rates. Note: No rounding up on base mileage.

Please contact the Comptroller's Judiciary Section for assistance.

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 and only Compact/Economy cars will be reimbursed. Reimbursement cannot be claimed for mileage on a rental vehicle. A paid copy of the rental invoice and gas receipts must be submitted with the claim; no estimated receipts will be allowed as form of payment. The witness must fill up the car before returning, as Fuel Service option is not reimbursable. No optional insurance or additional services will be approved. Please call our office to verify whether any unusual situations are reimbursable.

Meals

Meals may be reimbursed at actual cost. Alcohol and tips are not reimbursable. Items on grocery store receipts must be itemized. Nonfood items are not reimbursable.



Meal receipts are not required. For special rates in some Texas cities, go to www.gsa.gov/perdiem and enter both the state (Texas) and the current fiscal year. If your county or city is not listed, use the standard rate.

Parking

Reasonable and necessary parking fees are reimbursable. Paid receipts are required.

Taxi/Rideshare

Taxi and rideshare service expenses are reimbursable. Paid receipts showing form of payment or zero balance are required. Tips are not reimbursable.

Hotel Expenses

The maximum allowance for lodging is actual cost. For special rates in some Texas cities, go to www.gsa.gov/perdiem and enter both the state (Texas) and the current fiscal year. Hotel receipts are not required.

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 (SSN). Address must be legible (typed, if possible); it is used to mail the check to the witness. Ensure notary has not stamped over SSN;
- daily expenses, total expenses claimed, total due to witness and total due to county;
- notarized signature in the center of the form;
- signature at bottom of form if county is due money; and
- the name and relationship of any other witness traveling together should be listed on a claim (i.e., minor child, spouse, etc.) in the comments section specifying he/she was a witness.

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 where the summons was received;
- whether the witness used a personal vehicle;
- how many round trips the witness made if he or she used a personal vehicle;
- total mileage requested multiplied by the current reimbursement rate; and
- total highway miles.

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, phone number and email address of contact listed at the bottom of the form in case Judiciary has any questions.

Judge must complete:

- judge's name, printed;
- date the trial began and 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, SSN (required) and address correct and legible?
- Has witness signature been notarized?
- If combining expenses for two witnesses, have the extra names and relationship been stated in the comments section?
- 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 (meals/lodging)? For more than five days, use the reverse side of the form.
- If any expenses are for public transportation (airfare, taxi/rideshare, shuttle, rental car), are paid receipts attached?
- Is there a contact name, phone number and email from the county at the bottom of the form in case the Comptroller's Judiciary Section has questions?
- Are all the signatures original?
- Are all receipts showing paid or zero balance?
- Was GSA website checked for county-specific lodging and meal rates?

Mail completed Form 73-316 to:

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

For assistance, email judiciary@cpa.texas.gov or call 800-531-5441, ext. 6-5985.