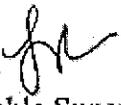


## FISCAL SERVICES DIVISION

Date: May 19, 1997  
To: Chief Clerks  
From: Lydia Romero   
Accounts Payable Supervisor  
Re: Per Diem Reimbursements for Witnesses - Actuals

We have recently had questions raised as to how witnesses should be reimbursed for per diem when their hotel is paid directly.

As stated in the AOC Witness Payment Guidelines, Section II(B)(1), "Witnesses shall be allowed no fees for service. A witness shall be reimbursed per diem and mileage expenses *pursuant to the current Per Diem and Mileage Act.*" Under the DFA Regulations governing the Per Diem and Mileage Act, actual expenses can be reimbursed. Therefore, if hotel expenses are paid directly by the AOC for a witness, then the witness is only entitled to reimbursement for meals for each 24-hour period. Section 4(B)(2) in the DFA Per Diem Regulations states, "Actual expenses for meals are limited....to a maximum of \$22.50 for a 24-hour period." Section 4(C) also states, "On the last day of travel when overnight lodging is no longer required, partial day reimbursement shall be made."

For example, if a witness submits a Certification of Witness form for 30 hours, and their hotel was paid directly by the AOC, then the witness would be entitled to \$22.50 for meals for the first 24-hour cycle, plus an additional \$8.00 for the partial day (6 hours) following the 24-hour cycle, for a total of \$30.50, plus any mileage incurred (if applicable).

Please inform your DA's offices, and/or send them a copy of this memo if necessary.

I hope this clears up any questions that you may have. If you have any additional questions, please do not hesitate to call me at (505) 827-4840.

Thank you.

cc: Jude Vigil, Jury & Witness Fee Fund