



**S.B. 362**

127th General Assembly  
(As Introduced)

Sens. Cates, Seitz, Schaffer, Padgett, Schuler, Amstutz

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**BILL SUMMARY**

- Generally increases the mileage reimbursement rate for witnesses in civil actions from 10¢ per mile to 50½¢ per mile, except in those cases where the board of county commissioners has set the rate lower than 50½¢ per mile for witnesses appearing in the court of common pleas and certain other courts.
- Authorizes the board of county commissioners in each county to set the mileage reimbursement rate for witnesses in civil cases in the common pleas court and certain other courts at a rate not to exceed 50½¢ per mile.
- Establishes a mileage reimbursement rate of 50½¢ per mile for witnesses at state adjudication hearings and in courts of record other than those for which the board of county commissioners may set a lower rate.

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**CONTENT AND OPERATION**

***Mileage reimbursement for witnesses***

Ohio law generally provides that witnesses in civil and criminal cases may be reimbursed for their travel expenses through a mileage reimbursement rate for every mile necessarily traveled to and from the person's residence to the proceeding at which the person may be called to give testimony. (R.C. 2335.06 and R.C. 2335.08.) Some provisions of Ohio law provide that the rate shall be the same as that for "witnesses in civil cases"; others use the rate allowed in the "court of common pleas"; and others use the rates for witnesses in "courts of record."

The bill increases the general 10¢ per mile reimbursement rate under current law for witnesses in civil actions and establishes a general mileage reimbursement rate of 50½¢ per mile except where the board of county commissioners has set a lower rate as authorized under the bill for county courts,

county-operated municipal courts, the common pleas court, and any division of the common pleas court. (See R.C. 2335.06 and 1901.26.) (See **COMMENT** 1 and 2). Accordingly, the rate is 50½¢ per mile for state administrative proceedings (both investigative and adjudicative), municipal courts that are not county-operated municipal courts, legislative proceedings, and courts martial.<sup>1</sup> (See R.C. 119.094, 1901.26, 101.45, and 5924.47.) (See **COMMENT** 2 and 3.)

Current law generally provides that witnesses in criminal cases in a court of record receive the same fees as allowed in civil cases. (See R.C. 2335.08 and 2335.06.) The bill specifies that the provision tying the criminal fees to those allowed for civil actions, R.C. 2335.08, will continue to confer equivalent fees to witnesses before the common pleas court, any division of the common pleas court, a county court, or a county-operated municipal court in order to be consistent with the bill's allowance of a 50½¢ per mile reimbursement in all cases other than those in which the board of county commissioners has set a lower reimbursement rate for those courts. Except for those courts, the bill specifies that for various proceedings the reimbursement will be conferred in accordance with either the provision in the Administrative Procedure Act it enacts, R.C. 119.094, or the provision it amends in the municipal court law, R.C. 1901.26. In either of these cases, the mileage reimbursement for witnesses is the same 50½¢ per mile rate, except when a board of county commissioners has set a lower rate for the court of common pleas, any division of a court of common pleas, a county court, or a county-operated municipal court.

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## **COMMENT**

1. R.C. 2335.06 provides that the mileage reimbursement rate in civil cases in the court of common pleas, any division of the common pleas court, a county court, or a county-operated municipal court shall be set by the board of county commissioners. That rate cannot exceed 50½¢ per mile.

2. R.C. 1901.26 provides that in any civil or criminal action or proceeding in a municipal court each witness will receive \$12 for a full day's attendance, \$6 for a half day's attendance, and if the municipal court is not a county-operated municipal court, 50½¢ per mile necessarily traveled to and from the witness's place of residence to the action or proceeding. If it is a county-operated municipal court, the amount will be what the board of county commissioners has set for the county under R.C. 2335.06.

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<sup>1</sup> The mileage rate for municipal annexation proceedings, for municipal investigations of allegedly delinquent officers, and for township investigations of allegedly delinquent police officers also is 50½¢ per mile. (See R.C. 1901.26, 709.032, and 733.39.)

3. R.C. 119.094 provides that unless the Revised Code provides otherwise, each witness subpoenaed to an adjudication hearing will receive \$12 for each full day's attendance, \$6 for each half day's attendance, and 50½¢ per mile necessarily traveled to and from the witness's place of residence to the adjudication hearing.

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	09-11-08

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