

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 23.
CRIMINAL PROCEDURE.

CHAPTER 15.
OUT-OF-STATE WITNESSES.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 15. OUT-OF-STATE WITNESSES.

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CHAPTER 15. OUT-OF-STATE WITNESSES.

Refs & Annos

Jurisdiction	Laws	Effective Date	Statutory Citation
Alabama	1977, No. 638, p. 1084		Code 1975, §§ 12-21-280 to 12-21-285.
Alaska	1962, c. 34	3-23-1962[FN*]	AS 12.50.010 to 12.50.080.
Arizona	1937, c. 74	3-25-1937[FN*]	A.R.S. §§ 13-4091 to 13-4096.
Arkansas	1935, No. 65	2-20-1935[FN*]	A.C.A. §§ 16-43-402 to 16-43-409.
California	1937, p. 562	8-27-1937	West's Ann.Cal.Penal Code, §§ 1334 to 1334.6.
Colorado	1939, c. 99	4-10-1939	West's C.R.S.A. §§ 16-9-201 to 16-9-205.
Connecticut	1937, c. 333	4-16-1937	C.G.S.A. § 54-82i.
Delaware	1937, c. 214	4-7-1937	11 Del.C. §§ 3521 to 3526.
District of Columbia	1952, Stat. 15	3-5-1952	D.C. Official Code, 2001 Ed. §§ 23-1501 to 23-1504.
Florida	1941, c. 20458	5-26-1941[FN*]	West's F.S.A. §§ 942.01 to 942.06.
Georgia	1976, No. 1351	3-31-1976	O.C.G.A. §§ 24-10-90 to 24-10-97.
Hawaii	1972, c. 9	1-1-1973	HRS §§ 836-1 to 836-6.
Idaho	1935, c. 10	2-11-1935[FN*]	I.C. § 19-3005.
Illinois	1959, p. 2147	7-23-1959	S.H.A. 725 ILCS 220/1 to 220/6.
Indiana	1935, c. 21	7-1-1935	West's A.I.C. 35-37-5-1 to 35-37-5-9.
Iowa			I.C.A. §§ 819.1 to 819.5.
Kansas	1951, c. 354	3-31-1951[FN*]	K.S.A. 22-4201 to 22-4206.
Kentucky	1952, c. 132	6-19-1952	KRS 421.230 to 421.270.
Louisiana	1936, No. 285	7-9-1936[FN*]	LSA-C.Cr.P. arts. 741 to 745.
Maine	1939, c. 9	2-21-1939[FN*]	15 M.R.S.A. §§ 1411 to 1415.
Maryland	1955, c. 333	6-1-1955	Code, Courts and Judicial Proceedings, §§ 9-301 to 9-306.
Massachusetts	1937, c. 210	4-16-1937[FN*]	M.G.L.A. c. 233, §§ 13A to 13D.
Michigan	1970, No. 232	12-3-1970	M.C.L.A. §§ 767.91 to 767.95.
Minnesota	1935, c. 140	4-11-1935[FN*]	M.S.A. §§ 634.06 to 634.09.
Mississippi	1938, c. 261	4-7-1938	Code 1972, §§ 99-9-27 to 99-9-35.
Missouri	1959, H.B. 295	6-12-1959[FN*]	V.A.M.S. §§ 491.400 to 491.450.
Montana	1937, c. 188	3-18-1937	MCA 46-15-112, 46-15-113, 46-15-120.
Nebraska	1937, c. 71	5-13-1937[FN*]	R.R.S.1943, §§ 29-1906 to 29-1911.
Nevada	1957, c. 41	2-18-1951	N.R.S. 174.395 to 174.445.
New Hampshire	1937, c. 65	4-15-1937	RSA 613:1 to 613:6.
New Jersey	1941, c. 88	4-28-1941	N.J.S.A. 2A:81-18 to 2A:81-23.
New Mexico	1937, c. 66	3-5-1937[FN*]	NMSA 1978, §§ 31-8-1 to 31-8-6.
New York	1936, c. 387	5-1-1936	McKinney's CPL § 640.10.
North Carolina	1937, c. 217	3-17-1937	G.S. §§ 15A-811 to 15A-816.
Ohio	1937, p. 668	8-23-1937	R.C. §§ 2939.25 to 2939.29.
Oklahoma	1949, p. 205	4-21-1949	22 Okl.St.Ann. §§ 721 to 727.
Oregon	1937, c. 124	2-26-1937[FN*]	ORS 136.623 to 136.637.
Pennsylvania	1941, P.L.	6-23-1941	42 Pa.C.S.A. §§ 5961 to 5965.

Rhode Island	1936, c. 2382	5-1-1936[FN*]	Gen.Laws 1956, §§ 12-16-1 to 12-16-13.
South Carolina	1948, p. 1810	4-8-1948	Code 1976, §§ 19-9-10 to 19-9-130.
South Dakota	1937, c. 259	3-6-1937[FN*]	SDCL 23A-14-1 et seq.
Tennessee	1939, c. 148	3-7-1939[FN*]	T.C.A. §§ 40-17-201 to 40-17-212.
Texas	1951, c. 441	6-15-1951	Vernon's Ann.Texas C.C.P. art. 24.28.
Utah	1937, c. 147	3-17-1937	U.C.A.1953, 77-21-1 to 77-21-5.
Vermont	1937, No. 46	3-9-1937	13 V.S.A. §§ 6641 to 6649.
Virgin Islands	1957, No. 160	9-1-1957	5 V.I.C. §§ 3861 to 3865.
Virginia	1938, c. 397	4-1-1938[FN*]	Code 1950, §§ 19.2-272 to 19.2-282.
Washington	1943, c. 218	3-20-1943[FN*]	West's RCWA 10.55.010 to 10.55.130.
West Virginia	1937, c. 41	3-12-1937[FN*]	Code, 62-6A-1 to 62-6A-6.
Wisconsin	1969, c. 255	7-1-1970	W.S.A. 976.02.
Wyoming	1935, c. 120	2-20-1935	Wyo.Stat.Ann. §§ 7-11-404 to 7-11-406.

[FN*] Date of approval.

§ 23-1501. DEFINITIONS.

As used in this chapter --

- (1) The term "witness" includes a person whose testimony is desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution, or proceeding.
- (2) The term "State" includes the Commonwealth of Puerto Rico, the District of Columbia, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.
- (3) The term "summons" includes a subpoena, order, or other notice requiring the appearance of a witness.

(July 29, 1970, 84 Stat. 650, Pub. L. 91-358, title II, § 210(a).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 23-1501.

1973 Ed., § 23-1501.

Uniform Law

This section is based upon § 1 of the Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings. See 11 Uniform Laws Annotated, Master Edition, or ULA Database on WESTLAW.

§ 23-1502. HEARING ON RECALL OF OUT-OF-STATE WITNESSES BY STATE COURTS; DETERMINATION; TRAVEL ALLOWANCE; PENALTY.

- (a) If a judge of a court of record in any State which by its laws has made provision for commanding persons within that State to attend and testify in the District of Columbia certifies under the seal of the court (1) that there is a criminal prosecution pending in that court, or that a grand jury investigation has commenced or is about to commence, (2) that a person within the District of Columbia is a material witness in the prosecution or grand jury investigation, and (3) that his presence will be required for a specified number of days, upon presentation of that certificate to any judge of the Superior Court of the District of Columbia, except as provided in subsection (c), such judge shall fix a time and place for a hearing, and shall make an order directing the witness to appear at a time and place certain for the hearing.
- (b) If at the hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to attend and testify in the prosecution or grand jury investigation in the requesting State, and that the laws of such State and of any other State through which the witness may be required to pass by ordinary course of travel, will give to him protection from arrest and the service of civil and criminal process, he shall issue a summons, with a copy of the certificate attached, directing the witness to attend and testify in the prosecution or grand jury investigation, as the case may be, at a time and place specified in the summons. In any such hearing the certificate shall be prima facie evidence of all the facts stated therein.
- (c) If the certificate presented under subsection (a) recommends that the witness be taken into immediate custody and delivered to an officer of the requesting State to assure his attendance, in the requesting

State, the judge may in lieu of notification of hearing, direct that the witness be forthwith brought before him for a hearing. If the judge at the hearing is satisfied of the desirability of the custody and delivery of the witness, he may, in lieu of issuing subpoena or summons, order the witness to be forthwith taken into custody and delivered to an officer of the requesting State. The certificate shall be prima facie proof of the desirability of the custody and delivery of the witness.

(d) Any witness who is summoned as above provided and, after being paid or tendered by some properly authorized person the fees and allowances authorized for witnesses in criminal cases in United States district courts, fails without good cause to attend and testify as directed in the summons, shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from the Superior Court.

(July 29, 1970, 84 Stat. 651, Pub. L. 91-358, title II, § 210(a).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 23-1502.

1973 Ed., § 23-1502.

Uniform Law

This section is based upon § 2 of the Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings. See 11 Uniform Laws Annotated, Master Edition, or ULA Database on WESTLAW.

§ 23-1503. CERTIFICATE PROVIDING FOR ATTENDANCE OF WITNESSES AT CRIMINAL PROSECUTIONS IN THE DISTRICT OF COLUMBIA; TRAVEL ALLOWANCE; PENALTY.

(a) If a person in any State, which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions or grand jury investigations in the District of Columbia, is a material witness in such a prosecution or a grand jury investigation in the District of Columbia which has commenced or is about to commence, a judge may issue a certificate under seal stating these facts and specifying the number of days the witness will be required. The certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of the United States or the District of Columbia to assure his attendance in the District of Columbia. This certificate shall be presented to a judge of a court of record in the county in which the witness is found.

(b) If the witness is summoned to attend and testify in the District of Columbia he shall be tendered the fees and allowances authorized for witnesses in criminal cases in United States district courts. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within the District of Columbia for a period longer than that specified in the certificate, unless otherwise ordered by the court. If the witness, after coming into the District of Columbia, fails without good cause to attend and testify as directed in the summons, he may be punished in the manner provided for the punishment of any other witness who disobeys a summons issued from the court in the District of Columbia where the prosecution has been instituted or the grand jury investigation has commenced or is about to commence.

(July 29, 1970, 84 Stat. 651, Pub. L. 91-358, title II, § 210(a).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 23-1503.

1973 Ed., § 23-1503.

Uniform Law

This section is based upon § 3 of the Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings. See 11 Uniform Laws Annotated, Master Edition, or ULA Database on WESTLAW.

§ 23-1504. EXEMPTION FROM ARREST.

(a) Any person who comes into the District of Columbia in obedience to a summons directing him to attend and testify in the District of Columbia shall not, while in the District of Columbia, pursuant to the summons, be subject to arrest or the service of process, civil or criminal, in connection with any matter which arose before his entrance into the District of Columbia under the summons.

(b) Any person who is in the process of passing through the District of Columbia for the purpose of proceeding to or returning from a State which has summoned him to attend and testify shall not be subject to arrest or the service of process, civil or criminal, in connection with any matter which arose at some other time.

(July 29, 1970, 84 Stat. 652, Pub. L. 91-358, title II, § 210(a).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 23-1504.

1973 Ed., § 23-1504.

Uniform Law

This section is based upon § 4 of the Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings. See 11 Uniform Laws Annotated, Master Edition, or ULA Database on WESTLAW.