



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**WILL WILSON  
ATTORNEY GENERAL**

April 10, 1962

Honorable Earl C. Fitts      Opinion No. WW-1304  
County Attorney  
Montague County  
Montague, Texas              Ré: Whether witness fees  
   may be paid to wit-  
   nesses who reside in  
   the county where a  
   felony is tried.

Dear Mr. Fitts:

Your request for an opinion on the above question is as follows:

"Is there any provision in the law for payment of fees to witnesses in felony cases that live in the county?"

"The right of witnesses to receive compensation for their attendance is statutory and they are entitled to such fees only as the statutes provide." 44 Tex.Jur. 981.

In Attorney General's Opinion O-1567 there is the following language: "The State does not pay the fees of witnesses within the county in felony cases." Also from Attorney General's Opinion No. O-6456 we quote: "There is no provision for payment of fees in felony cases to witnesses who reside in the county of trial.

It is therefore our opinion that there is no provision in the law for payment of fees in felony cases to witnesses who live in the county.

S U M M A R Y

There is no statutory authority for

payment of fees in felony cases to witnesses who reside in the county of trial.

Yours very truly,

WILL WILSON  
Attorney General of Texas

By   
Irwin R. Salmanson  
Assistant Attorney General

IRS:sh

APPROVED:

OPINION COMMITTEE:  
W. V. Geppert, Chairman  
William Hemphill  
Jack Price  
Bill Allen

REVIEWED FOR THE ATTORNEY GENERAL  
BY: Houghton Brownlee, Jr.