

SENATE No. 1657

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Relating to Costs of Appeals by the Commonwealth..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 28E of Chapter 278 of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by adding, after the third paragraph thereof, the following
3 paragraph:

4 A defendant who is not indigent, as defined by Chapter 211D of the General Laws, and is
5 therefore not entitled to public representation, is responsible for his own costs on appeal, unless
6 the Commonwealth loses the appeal or the Commonwealth’s application thereof is denied. In
7 such cases, a defendant is entitled to be reimbursed for the costs he incurred as a result of the
8 appeal, including reasonable attorney’s fees, subject to approval of the court.