

HOUSE No. 874

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the costs of appeals by the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/18/2017</i>

HOUSE No. 874

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 874) of Kay Khan relative to the cost of appeals by defendants who are not indigent. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to the 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 2014
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 their 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 they incurred as a result of the
8 appeal, including reasonable attorney’s fees, subject to approval of the court.