

**HOUSE . . . . . No. 874**

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**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**

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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.

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**The Commonwealth of Massachusetts**

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**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.