

HOUSE No. 943

The Commonwealth of Massachusetts

PRESENTED BY:

David M. Rogers

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 fees for indigent defendants.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/18/2017</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	
<i>Denise Provost</i>	<i>27th Middlesex</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	
<i>Mike Connolly</i>	<i>26th Middlesex</i>	
<i>Dylan Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>	

HOUSE No. 943

By Mr. Rogers of Cambridge, a petition (accompanied by bill, House, No. 943) of David M. Rogers and others relative to fees for indigent defendants and the verification of indigency. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3448 OF 2015-2016.]

The Commonwealth of Massachusetts

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

An Act relative to fees for indigent defendants.

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 2 of chapter 211D of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by striking out the first sentence and inserting in place
3 thereof the following sentence:- The committee for public counsel services shall establish a
4 definition of “indigency” for the purposes of this chapter and uniform standards and procedures
5 for the determination by the courts of the commonwealth that a person is indigent and is unable
6 to obtain counsel.

7 SECTION 2. Section 2A of said chapter 211D, as so appearing, is hereby amended by
8 striking out subsections (f), (g), (h) and (i) and inserting in place thereof the following
9 subsection:-

10 (f) The office of the commissioner of probation shall submit quarterly reports to the
11 house and senate committees on ways and means that shall include, but not be limited to: (1) the
12 number of individuals claiming indigency who are determined to be indigent; (2) the number of
13 individuals claiming indigency who are determined not to be indigent; (3) the number of
14 individuals found to have misrepresented wage, tax or asset information; (4) the number of
15 individuals found to no longer qualify for appointment of counsel upon any re-assessment of
16 indigency required by this section; (5) the total number of times an indigent misrepresentation
17 fee was collected and the aggregate amount of indigent misrepresentation fees collected; and (6)
18 other pertinent information to ascertain the effectiveness of indigency verification procedures.
19 The information within such reports shall be delineated by court division, and delineated further
20 by month.