

**SENATE . . . . . No. 963**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Bruce E. Tarr*

*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 collection of outstanding delinquent legal fees.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>2/28/2017</i>

**SENATE . . . . . No. 963**

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By Mr. Tarr, a petition (accompanied by bill, Senate, No. 963) of Bruce E. Tarr for legislation relative to collection of outstanding delinquent legal fees. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 928 OF 2015-2016.]

**The Commonwealth of Massachusetts**

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

An Act relative to collection of outstanding delinquent legal fees.

*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 9 of Chapter 211D of the General Laws, as appearing in the 2014  
2 Official Edition, is hereby amended by inserting, after subsection (i), the following subsection:-

3 (j) The clerk of the court shall submit a quarterly report to MassHealth, the department of  
4 transitional assistance and the registry of motor vehicles detailing the amount of any unresolved  
5 counsel fees owed by persons for whom counsel was appointed under this chapter. Said fees  
6 shall be considered by MassHealth and the department of transitional assistance as financial  
7 benefits to be repaid pursuant to section 22 of chapter 118E and section 5G of chapter 18. The  
8 department of revenue shall not issue a state tax refund to any persons until it receives  
9 notification from the clerk of the court that the fee has been resolved. In lieu of the payment, the  
10 taxpayer shall receive notice informing the taxpayer that the refund is being withheld because

11 they owe outstanding counsel fees and the refund will be withheld until the individual furnishes  
12 sufficient proof that the fee has been paid or no such fee exists. Such refund shall be issued upon  
13 presentation of sufficient proof to the department of revenue that said fee has been resolved. The  
14 department of revenue shall promulgate regulations to implement this section, which shall  
15 include the opportunity for a hearing to challenge the existence of the outstanding fee. If a  
16 hearing is requested, the clerk of the court shall be notified of the time, place, date of hearing and  
17 the subject of the hearing. An affidavit from the clerk of the court may be introduced as prima  
18 facie evidence of the existence of the outstanding counsel fee without the need for the clerk of  
19 the court to attend any hearings held under this section.