

**HOUSE . . . . . No. 3356**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***David Paul Linsky***

*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 for legislation relative to costs of appeals by the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/15/2019</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>1/30/2019</i>

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By Mr. Linsky of Natick, a petition (accompanied by bill, House, No. 3356) of David Paul Linsky and Kenneth I. Gordon relative to costs of appeals by certain defendants. The Judiciary.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act for legislation relative 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 is hereby amended by  
2 adding, after the third paragraph thereof, the following paragraph:-

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